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REPORT

OF THE

FIFTH ANNUAL MEETING

OF THE

LAKE MOHONK CONFERENCE

ON

INTERNATIONAL ARBITRATION

1899

REPORTED BY MARTHA D. ADAMS

PUBLISHED BY
THE LAKE MOHONK ARBITRATION CONFERENCE

1899

THE MOHONK ARBITRATION CONFERENCE.

OFFICERS AND COMMITTEES, 1899.

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PREFACE.

THE fifth annual meeting of the Lake Mohonk Conference on International Arbitration was held, on the invitation of Mr. and Mrs. Albert K. Smiley, at the Lake Mohonk House, Ulster County, N. Y., May 31 to June 2, 1899. Six sessions were held. This Report contains the stenographic account of the proceedings, which consisted of addresses and discussions on the subjects of arbitration, the conference at The Hague, a permanent international tribunal, and kindred topics.

One copy of this Report is sent to each member of the Conference. If other copies are desired, application should be made to Mr. Albert K. Smiley.

THE FIFTH LAKE MOHONK ARBITRATION CONFERENCE.

First Session.

Wednesday Morning, May 31, 1899.

THE Lake Mohonk Conference on International Arbitration met for its fifth annual session, by invitation of Hon. and Mrs. Albert K. Smiley, in the parlors of the Lake Mohonk House, on the 31st of May, 1899.

Mr. Smiley opened the Conference, at the close of the usual morning service of prayer, and welcomed the guests who had assembled. He said he felt more hopeful than ever before that the time was coming when nations would agree to settle all their disputes by arbitration. He believed that the conference at The Hague would determine some matters in regard to arbitration, and would commit some to the peoples for them to decide. The full result cannot be accomplished in a day, but the end is surely coming. This Conference can do much to enlighten public opinion in this country; but it would fail of its influence if it should spend its time in political wrangling. Mr. Smiley then presented the following resolution, from the Business Committee, and it was adopted without dissent:

Resolved, That the discussions of the Conference be limited to the subject of Arbitration, and that consideration of the policy of the administration during and since the war with Spain is not within the scope of this Conference.

Mr. Smiley then nominated as the President of the Conference the Honorable George F. Edmunds, who was unanimously elected. Upon taking the chair Mr. Edmunds was received with long-continued applause, and spoke as follows:

OPENING ADDRESS.

BY THE PRESIDENT, HON. GEORGE F. EDMUNDS.

Ladies and Gentlemen,—This is a serious occasion in respect of which we have met. These are serious times for international arbitration. I am bound to say in candor that had I known that your executive committee had adopted the rule of order which has now

been read, I should have asked to be excused from presiding. To me it is impossible to separate the conduct of this nation in the last year and its intentions for the future — I am speaking not of the intentions of the President or of the gentlemen of his Cabinet, but of the intentions of a free and intelligent people — from the great cause the promotion of which we have met to encourage.

But it appears to be the opinion of the executive committee that we may discuss this great subject of international arbitration, standing aloof and impartial, and having no interests involved in our national idea and our national career on the other side of the globe, and that we may consider how best we may help the gentlemen at The Hague and those who follow them; for now that conferences for peace between nations have begun, however little may be accomplished by this present meeting at The Hague (and I fear it will not be much in respect of immediate and practical and definite measures), yet when all the great nations of the globe, now civilized and considered as being in the family of international brotherhood, have once assembled, by their delegates and representatives, to consider freely and mutually what best may be done to promote universal peace among nations, — and so, of course, within nations, — there is great hope for the cause we have prayed for and hoped for so long.

Thus having explained my position, I accept the responsibility of endeavoring to conduct your operations with substantial conformity to what your executive committee has laid down as its rule. I hope we shall all consider the importance of the affairs which we have to consider, and how valuable for our whole country, as we go home again, is the expression of what we have seen, what we have heard, what we hope for, and why we hope for it: that that which is the foundation, end and aim, in its largest sense, of our Christian life—Peace — may obtain.

On motion of Hon. Everett P. Wheeler, Mr. Henry DeForest Baldwin of New York and Miss Martha D. Adams of Boston were elected Secretaries of the Conference.

On motion of Mr. James Wood, Mr. Joshua L. Baily was elected Treasurer.

Mr. Baily moved the appointment of an Auditing Committee by the President, which was voted.

On motion of Mr. Smiley, a Business Committee was elected, consisting of the following gentlemen: Hon. Everett P. Wheeler of New York City; Prof. J. B. Clark of Columbia University; Hon. William J. Coombs of Brooklyn; Hon. John I. Gilbert of Malone, N. Y.; Mr. Clinton Rogers Woodruff of Philadelphia; Hon. John H. Stiness of Providence, R. I.; Hon. Robert Treat Paine of Boston; Hon. Samuel B. Capen of Boston; Rev. Lyman Abbott, D. D., of New York City; Rev. William Hayes Ward, D. D., of New York City; Mr. James Wood of Mt. Kisco, N. Y.

On motion of Mr. Wheeler, Major Marshal H. Bright, Prof. Amos R. Wells and Mrs. Louise Seymour Houghton were elected a Press Committee.

The opening address of the Conference was then made by REV. EDWARD EVERETT HALE, D. D., of Boston.

THE POSSIBILITIES AT THE HAGUE.

BY REV. EDWARD E. HALE, D. D.

I had not the honor and pleasure of being here a year ago. I was here two years ago, and I have pleased myself this morning in imagining what any of you would have said if, a year ago, I had stood up here and said that, before three months were over, the head of the largest army in the world, the Emperor of the largest empire in Europe, would have gone farther than the best of us had gone in proposing universal peace. You would certainly have said that here was such a crank as never got even to Mohonk before, — such a crank as even Boston had never sent forth, — and that you might sweep the country to find a statement more absurd. It was indeed like a sudden flash of lightning in a clear sky when the world heard, on the 24th of August, that the Emperor of Russia had directed this Rescript to be sent out to the courts which have diplomatic relations with him, to propose the “maintenance of general peace.”

It is to me interesting that what I suppose was one of the first formal replies which the emperor got to his proposal was the reply sent from the First Congregational Church in Columbus, Ohio: certainly it was the first reply he had from America. When I think of our way of managing church and state here, that seems to me pretty fine. The Sunday after the Rescript was issued, Dr. Gladden, of Columbus, told his people that he wanted them to stop after the benediction. He read the Rescript, and the First Congregational Church in Columbus sent their sympathy to the Emperor of Russia, and assured him of their determination to coöperate with him in his work. As soon as the mail could bring it back, they had the Emperor's acknowledgment of this sympathy and coöperation. That is what I like; the first Emperor in the world joining with the most democratic assembly in existence.

From that time to this, my friends of the newspapers have been engaged in forgetting the things that are before and in reaching back to the things that are behind, as is their habit. But people who like to look forward and not back have seen the gradual coming up upon the sandy beach of the wave of public opinion. This world over — yes, from the seraglio of the Emperor of Turkey round to the craziest come-outer in America — the tide has swept up, to show the determination of the world that the wish of the Emperor for the “maintenance of general peace” shall be respected and carried forward. And now I do not find that people say either that the Emperor is a liar,

or that the whole thing is nonsense and that nothing can be done. I find that my most Philistine friends have from the beginning been sure that this was a most valuable movement. They did not happen to say so to anybody, but they think now that they said so; and since they think so, God grant that they may think that they put the Emperor up to it by their private letters!

I have a certain right to speak of the opinion in this country. I have had the honor to address meetings on the subject in thirteen states, from Massachusetts beyond the Mississippi River; and it has been very interesting to see that while the crickets that chirp upon the trees have not had much to say, the thoughtful men and women, the men and women who make opinion, have from the beginning seen that here was the chance for one step forward in the civilization of the world. That feeling has expressed itself more and more constantly till to-day. And this august meeting, which is precisely the meeting around which our expression ought to crystallize, shows the seriousness of the work before us, and our gratification that thus far it has been so well done.

I am honored by being asked to hold the position which I hold, because I may be said to represent here the company of gentlemen who have in the city of Boston directed public attention as far as we could in this matter. It is with great pleasure that I see here the representatives of the same feeling from the State of Rhode Island; that I see the representatives of the great Bar Association of New York, which led the way in this business, to whose work we owe this great success at this moment; that I see representatives of the very strong committee which Philadelphia formed, almost in a moment. I think that there are here representatives of the very strong public feeling of Baltimore; and I hope, though I do not know, that that great demonstration made in Nashville, Tennessee, early among the great demonstrations in America, is represented here.

I should be false to my own feeling if I did not say that in the whole conduct of what we call the "peace crusade," in the last six months, we have had, on the right hand and on the left, behind and before, privately and publicly, the most cordial support of the general government. The matter is very near the President's heart, and the gentlemen who direct affairs at Washington have taken it up with the utmost earnestness and interest. I do not think I violate any of the proprieties when I say that I believe that the first thought of the President was to appoint ex-President Benjamin Harrison as the first of our delegates at The Hague. General Harrison was himself very eager to be able to go; but by what I may call a very happy misfortune he was prevented from going. For he was retained to appear, on the day on which the conference at The Hague met, as the chief counsel of the Republic of Venezuela in the great court of arbitration at Paris, which is to decide the question whether Venezuela or Great Britain is to dictate certain boundary lines in America. President Harrison thought it was not fitting that he should appear to be in two places at once; I suppose he had no double to

whom he was willing to entrust his affairs. At all events, he thought this was a reason for his declining the nomination, — certainly the most honorable reason which a great statesman ever gave for declining the most honorable proposal which could be made to a great statesman.

I am asked, then, because I represent the most northeastern of these various committees which are here together, to bring together what we think are proper subjects for the discussion of this Conference, — to put in form our “testimony” in Boston. I hope the gentlemen from other parts of the country will put in form their testimony as well, and then at the end of the meeting our committee will formulate that testimony and send it out to the world. When I see the results which some twenty conferences at Mohonk have had in the civilization of the world, I must speak very hopefully as to the result of the serious consideration which in the next three days we can give to such subjects as I am to lay before you now. I speak after conversation with a dozen gentlemen who have taken great interest in this affair, especially with our distinguished friend, Mr. Mead, who has done so much in Boston in elevating public opinion in this matter. We hope, then,

1. To place on record our cordial approval of the sentiment expressed in the address with which Baron de Staal opened the Peace Conference, that by engaging itself in measures “practicable at the present moment” the Conference gains power at every point. We may well leave the future to care for the future.

2. That we shall express the wish that when this conference at The Hague adjourns, it may appoint a day, two or three years hence, for the meeting of a similar assembly, and that such meetings may be regularly held, as a part of the international system of the civilized world.

3. The commercial nations have long since come very near a decision prohibiting the seizure of private property at sea. An agreement between the most important of them at this time seems to come among the possibilities of this conference.

4. There are many matters of detail in the life of the world which common conventions cannot regulate. An assembly of statesmen so distinguished as this, representing the civilization of the world as never before, will of course be able to give dignity and efficiency to practical methods in international life, such as cannot otherwise be attained. The world hopes that the administration of postage, of lanes and lines of ocean commerce, passports, custom houses, the surrender of criminals, quarantine and health, and even international finance, may be advanced by the committees of this august assembly.

5. To express our great satisfaction that the establishment of a permanent tribunal is under consideration as a practicable convenience in the diplomacy of the nations.

6. To suggest that it is unnecessary to define or describe the questions to be submitted to such a tribunal, or to make it obligatory

on any nation to submit them. Let the international tribunal be ready. Give it the right and means to collect testimony and to verify such testimony. Let it be obliged to render reasonably prompt decisions. Then let the nations appeal to it or not, as they may choose.

7. It would be most gratifying if all of the twenty-six nations would unite in the formation of this court. But if a court could be established by even three or four, it could *begin*; and as it established itself, states now doubtful would join, on the same conditions as those at first suggested.

8. It would be quite desirable that on adjournment the conference should refer to the jurists of the tribunal some or all of the open questions not determined by its action now, with the request that the tribunal would report upon them at the next meeting of the international assembly.

These heads form the brief on which I am going to speak.

1. When I saw the picture of Baron de Staal, I was charmed. He has been, as you know, for many years the representative of the government of St. Petersburg at London. He evidently deserves that place. The face shows great strength and very great benevolence; it reminded me of the flattered portraits which we used to have, forty years ago, of Pius IX. That this man should preside over this congress seemed to me an omen of the very best and happiest sort. He said at the beginning: "Do not let anybody think that we are seeking Utopia. We are going to do the practicable things, which can be done now." He said those were the directions of the Emperor, and he believed such were the opinions of the statesmen called together there.

I have spoken, I suppose, fifty times upon this subject, frequently to audiences which when I began were adverse; and I have found that the great difficulty, not only in the minds of Philistines, but in the minds of idealists, is that there has been so much more sung than said upon the subject of peace that they do not believe that anything is practicable. You meet constantly the statement: "O yes, you know, you must have war, you know, every twenty years. No great nation ever existed that did not do so." I meet plenty of clergymen who say this. It is exactly as an old-fashioned grandmother got the children together every spring and gave them one dose of "spring medicine," that those that were sick should be made well and those that were well should be kept well.

I was present at an august assembly of college professors in this very state, and a gentleman said with a great deal of spirit: "How does Dr. Hale account for it that every century has been more warlike than the century before?" I said: "Dr. Hale accounts for it by saying that it is not so. Let us take this last century: the people of the United States have had two and a half years of war with England, a year and a half with Mexico, four years of the Civil War, and a hundred days with Spain — eight years and a hundred days. Now

in the last century, the wars of William and Mary and Queen Anne, twelve years; George II. had two wars, one of eight, one of seven years; our Revolutionary War is eight years more — thirty-eight years in all. So," I said, "we have cut down the wars in one century from thirty-eight years to eight, and we propose to cut off thirty years from that in the next century." I believe the sense that something practical is to be done is the real reason why we are now looking forward hopefully for the first time.

And since they got together at The Hague they have shown so much more sense than ever I had that I have wished I had written every despatch which has come from there. The gentlemen assembled there are evidently determined to do what can be done now, and to leave it to others to talk of the impossibilities of the present, which shall be the possibilities of the year 1950. I am glad, then, that our committee of arrangements has suggested that we should address ourselves wholly to what is, after all, the great question, whether it is or is not possible to establish between three nations, four nations, or with the help of God between twenty-six nations, a Permanent Tribunal, before which they shall bring their cases if they want to, and which shall make the august decision on which such things shall rest.

Certainly, if anybody ought to do this, it is this United States of America, which is the greatest peace society of the world. Why are we the strongest empire of the world? It is because in 1789 thirteen quarreling states, of different religions, of different origins, of different languages, agreed to submit every question which arose between them to a Permanent Tribunal. The Supreme Court of the United States is that Permanent Tribunal, and it has kept us at peace, with the single exception of the Civil War,—which is not an exception, because it arose from the only question which was ruled out from the Constitution of the United States. If the fathers had had the courage to say that the Supreme Court should decide such questions as the settlement of Kansas, there would have been no Civil War. The one exception to the theory of a permanent tribunal has been the cause of the only civil war which has been known in the United States for a hundred and ten years. In the years immediately after I left college, we had in Massachusetts a quarrel with Rhode Island such as has brought Europe to war a hundred times within the last five centuries; and yet it would be no disgrace to any lady or gentleman here not to know that fact, nor what the quarrel was about. Why? Because the case was submitted to that Permanent Tribunal, it was decided, and so we do not even remember that there was ever any conflict. With such experiences as that, the United States has a right to appear before this great conference at The Hague and to say: "What we wish you to do is to establish a Permanent Tribunal for the United States of the World in the century which is before us."

We are perfectly aware that this congress, with the immense number of proposals brought before it, will be obliged to rule itself very

severely. Percussion caps and cartridges will undoubtedly have to go to the wall. But the Emperor never proposed, as he has been accused of proposing, going into detail in such matters. He did say that "for the maintenance of general peace" it was desirable that the increase of armaments should not be continued. I am sorry to say that the Rescript was badly translated; but there are some copies here, and I think it would be a good plan for the persons who have not read it to read it before we go much farther. I should say that of one hundred persons who have spoken unfavorably to me of the Emperor and his plans, the number who said, when I questioned them, that they had never read the Rescript was one hundred also.

I should like to take the whole time of the Conference, till Friday night, in speaking on this head of my brief. But I will now speak of the second.

2. The statesmen of the world have for centuries wished that such a conference as this might be brought together. It is rather curious, indeed, that the whole body of international law has never been worked over. It has been proposed again and again that the nations of the world appoint a congress or convention for the codifying of international law, but it has never been done. Here is the first occasion since Adam drove a spade into the ground in Eden when men have met together for the purpose of defining the relations of the nations to each other, or, as Mr. Mead says in his very happy phrase, "for the organization of the world." The organization of the world is really a large contract; and it seems desirable that when this congress adjourns it shall appoint a day, two or three years hence, for a similar congress to meet for such purposes. I could wish that this might be one of the subjects discussed as we go forward here.

3. The third head of my brief refers to such matters of detail as postage, commerce, quarantine, and possibly finance. These are matters of detail on which many gentlemen here are more fitted to speak than I. I could wish that we might give a part of one of our sessions to such details which would come before such an assembly. I do not say it with any rebuke or any scorn of any one, but I think it is rather remarkable that the men of business, as they call themselves,—the bankers, the financiers, the merchants of the world,—have been as laggard as they have been in advancing this great cause. If anybody needs peace, it is the men who regulate commerce. If there is anything destructive of commerce, it is the danger of sudden war, such as has flashed on this country once and again, when men woke in the morning and were surprised to learn that they were likely to be at war. This being so, one would have said that the great money men of the world would have been the leaders in a proposal for the maintenance of universal peace. I do not say that they are most behind, but I do say that they are not in the forefront. The men in the forefront are such men as the Emperor of Russia, the great idealist of the world.

MR. EDMUNDS: And Dr. Hale.

DR. HALE: What is curious is, what is very interesting is, and what ought to go down in history is, that the practical leaders in the affair, the pioneers who went before the army and made the road, are the lawyers. Mr. Chauncey Depew has wrought this statement out magnificently in his great speech referring to the arrangements which the Bar Association of this state made for a permanent court of arbitration. The presentation there by Mr. Depew of the work which the lawyers of England did in the seventeenth century in establishing the constitution of Great Britain (from which constitution all liberal constitutions have grown) is a statement worthy the study of every person who cares anything about constitutional law. To the gathering of a few lawyers in Chicago, led by the late David Dudley Field, we owe one admirable plan. To the New York State Bar Association — led, I may say, by gentlemen now in this room — we owe the great plan, which was taken up with enthusiasm, I might say, by some of the leading men in England. That plan was very dear to Sir Julian Pauncefote, who is now in the very front with his white banner of peace. We owe to the lawyers of the country the initiation of the practical measures which we have gained. They have raised the plane of this discussion from the Utopia of a Tennyson singing about the “parliament of man” to the practical measures for a tribunal of the world, which such men as Mr. Depew, Mr. Choate, President Cleveland, President Harrison, Mr. Olney and Sir Julian Pauncefote, have been willing to take up as the most practical measures for to-day.

4. I wish to speak next about the abolition of the attack on private property at sea. When an army marches through an enemy's country, all civilization requires that every ox and ass which the army takes for its service shall be paid for, and it is paid for. But the minute you get more than three miles from the seaboard, you may steal whatever you want to. The world has been at work on this for a hundred and ten years. It is, I think, greatly to the credit of this country that you cannot make any better statement of it than Franklin made in 1783, which he introduced into our treaty with Prussia, and which he tried to introduce into our treaty with England. It does seem now as if there were an opportunity to abolish the right of stealing private property on the seas.

5. And now I come to what seems to me the central and most important topic of all, the topic of a Permanent Tribunal. It would be very interesting if the large body of gentlemen and ladies here, trained in such different experiences, would each give a personal testimony on this subject. I do not propose to enter into it at any length at the present time. I will only say that we are following in the line of ✓ the civilization of the world in private matters when we include a Permanent Tribunal in the relations of nations. No longer does a man go out with a club in his hand to knock down a neighbor who does not agree with him. We no longer have the law of the cave-dwellers, or the law of chivalry. We have abolished the duel; we have

compelled decent people to submit their questions of controversy to some tribunal. Those of us who are on the frontier, who are very ignorant, "leave it out to men"; they make up a little tribunal for the purpose, which goes to pieces as soon as the case is decided. Those of us who are civilized, who have large concerns in hand, have a Permanent Tribunal, before which we bring any cases which may arise; or we do not bring it if we do not want to. But the Permanent Tribunal exists, and the methods of civilized nations are such that they can compel that tribunal to act with great promptness.

It is an interesting historical study to ask why the great nations have never established such a tribunal. They have tried to do so again and again. The Pope and his court tried their very best to establish themselves as such a tribunal. Now the nations have come together and seem to be determined to advance as far in their mutual relations as private individuals have long since done, in the establishment, not of little separate courts to be blown to pieces as soon as the question is decided, but of a Permanent Tribunal which shall have a right to call witnesses, to appoint experts for the examination of different questions, and which shall always be in session to hear any matter which may come up. I believe that if at that crucial moment when, in a friendly harbor so called, the great ship "Maine" was blown up, there had existed a Permanent Tribunal with the prestige of fifty years, with such dignity as our Supreme Court has, the people of both nations would have submitted to that tribunal the two questions: first, whether it is a friendly act to blow up a ship of another power in your own harbor; and, second, who blew up this ship? It was idle at the very last moment to gasp out, "Wouldn't it be well to appoint a jury of experts to decide this matter? Couldn't we leave it out to men?" We had to leave it out to the Providence of history. But if we had had a Permanent Tribunal, I believe that that question could have been adjudged.

The truth is that the old diplomacy is not up to the rapidity of our time. I pity these Joe Choates and Julian Pauncefotes, and the other gentlemen who have these diplomatic duties, that with such very dull tools they have so much work to do. You cannot get any testimony. You have the case of the United States on the one side and the case of England on the other. The state department of each makes up its case, with all the prejudices of the witnesses. You bring together your silver shield and your gold shield, and nobody has any right to find out what is the truth or what is not the truth. A Permanent Tribunal would have the right, as the Supreme Court of the United States has, to send for witnesses anywhere, take their testimony anywhere, appoint experts, refer cases to masters, and to decide. That famous question which is up at this moment, which our friends of the press told us in January was going to precipitate war between the nations of England and France, over which these great war-vestels were to be tried in the mouth of the Gulf of St. Lawrence — what was it? A mere question of fact. It is the question whether a lobster is a fish or a crustacean; a mere question of natural science.

That is to say, in 1783, when England was the under dog and there were three on top,—Spain, France and the United States,—they gave to the French the right to catch fish in those waters and to cure those fish for market on any uninhabited territory on the western side of the island of Newfoundland. They meant the good old cod-fish of our fathers, which made the salt fish which went into the Mediterranean for the Friday food of the convents there; but as things have gone on, the French merchants, with their audacity and skill, have taken to catching lobsters on the shore of Newfoundland, and wherever they find an uninhabited spot they can those lobsters. Is a canned lobster a “fish prepared for commerce”?—that is the question about which England and France are expected to bring their navies into action. How glad Lord Salisbury and the French minister would be if as they walked down the street they should see a sign, “International Justice Administered Here”!

6. I have placed as the sixth article in my brief the suggestion urged by our friends of the New York Bar, that it is entirely unnecessary to define the questions to be submitted to such a tribunal, or to oblige any nation to resort to it. Mr. Wanamaker, if he thinks he has been cheated, may prosecute the man who has stolen cloth from him; or if he chooses he may let it go. It seems to the Bar Association, as it seems to me and the gentlemen I represent, that that decision should be left to the nations. To tell the truth, whatever might be said in advance, they would take that privilege when the time came, whether anybody wanted them to or not; and we may as well admit the fact. Let the international tribunal be ready. Give it the right and the means to collect testimony and verify it. Then let the nations appeal to it or not, as they choose.

7. The court might exist if only three or four nations joined in it at first. It seems to me, and to the gentlemen whom I have consulted, that this is one of the most important suggestions which can be made. Out of those hundred gentlemen now at The Hague, it would seem that there might be private conferences between the representatives of different nations, and that three, four, or five of the nations most advanced in this matter might join together. It might prove that the very strongest nations and the very weakest nations were at one in this matter. It is to be said to the everlasting credit of the republic of Switzerland, that the first suggestion for such international arbitration was made in a treaty which the republic tried to make with us half a generation ago.

8. And lastly, it would be desirable that on adjournment the conference should refer to the jurists of the tribunal some or all of the open questions not determined by its action now, with the request that they should be reported upon at the next meeting of this august assembly.

I believe that my friend who suggested that had in view this undoubted difficulty. The French say: “It is the first step that costs.” The difficulty with which our national union was cemented

is well known to students. The Supreme Court—it is supreme now : presidents have to give way, cabinets, senates, navies, armies, have to give way. But the difficulty with which that tribunal was established is hardly to be stated in words. And when it was established, the shyness of all parties about bringing questions before it now seems almost amusing. There will be the difficulty in the international court. If my friends of the New York Bar Association have their way, the Supreme Court of the United States will name one of its most distinguished members as the first member of the Permanent Tribunal,—in my judgment, the highest honor which has thus far been conferred upon a living man. If they have their way, the high court of England will name its most distinguished justice as the second justice of the Permanent Tribunal. These gentlemen will be appointed with honorable salaries, with the distinction that they are to hold office through life unless they resign. And the court will exist. Then some third government, perhaps the republic of Switzerland,—I like to hope it will be the republic of Switzerland,—will appoint a distinguished justice as the third member of this great court. The court will *exist*. The three members will come together, in Berne, with dusty baggage, tired with travel. They will go to the Hotel of Glad Tidings or the Hotel of the Prince of Peace ; they will wash themselves ; they will sit down together. Justice Brewer will take out the collection of treaties of the last thirty years ; the English judge will take out his books. Then, as our fine national phrase says, they will “hire a hall,” and the court will *exist*. Then the cynics of the world will come in ; then the money people will come in ; and they will say : “What have they done ? What did they do yesterday ?” They did nothing except *exist*. They were there and they *existed*. Next week and next the court does nothing : it *exists*. While the Lord Salisburys and the Mr. Joe Chamberlains and the heads of our government are looking round for some case trifling enough to be referred to the court, it will *exist*. It does seem to me that it would be well if that court, during that period, while waiting for the lobsters to be brought before it, or the origin of your sealskin coat, Madam,—if, while it was waiting, its members would put their heads together and put into form some of these axioms of international law which have never been put into form to this day ; things which Grotius has dreamed of, which Vatel has suggested, which Puffendorf has said ought to be, but which never have been put into the arbitration language by anybody. I think it would be quite in the power of the conference of to-day to direct that this court, from its first existence, should be issuing to the world statements of that eternal international law which underlies the jurisprudence of the world.

My last words shall be that the foundation of that international law is in two codes, one called the Sermon on the Mount and one called the Ten Commandments. The international law of the world is an attempt to state the eternal verities of religion in the language of merchants and statesmen. It does not seem to me that it would

be amiss to entrust the language in which that international law should be written down to the first Permanent International Tribunal. Let them state in word the "principles on which rest the security of states and the welfare of peoples."

At the conclusion of Dr. Hale's address, the eight topics which he had suggested for the action of the Conference were, on motion, referred to the Business Committee.

The subject was then thrown open for general discussion, each speaker being limited to ten minutes.

HON. EVERETT P. WHEELER: This subject has occupied a great deal of attention and thought on the part of the lawyers of this state and from the representatives of the bar of the different states in their annual conventions. Committees have considered it and reported; those reports have been discussed in meetings in some of which lawyers of New York, in others lawyers from all parts of the United States, have come together. The *desirability* of the creation of a system of international arbitration has been universally admitted. But we have not hesitated, after this discussion and consideration, to conclude that it was also *practicable*. The difficulty which has obstructed the course of international arbitration more than anything else is doubt on that subject. However progressive the American people are, yet they have also a conservative side. What Rudyard Kipling calls "the cynic devil in our blood" makes us hesitate to undertake anything that might be called Utopian or ideal. Yet on the other hand, as he has also pointed out, there is in us also the idealist spirit, the perception of the possibilities of great things; and when we are once really aroused the end will be accomplished.

It seems to me—and I am persuaded that I speak the sentiment of a great many of my brethren at the bar—that by gradual discussion, perhaps partly as the result of the numerous failures in the past, we have come to the point where the thing can be done and ought to be done. The extraordinary and unexpected result of the proposal of the Emperor of Russia is being received by practical men, men acquainted with affairs, with great satisfaction. The suggestions made in the proposal of the Bar Association of this state, for the creation of an international tribunal, seem on the whole to be accepted with general approval. There are matters of detail which must be considered: it does not at all follow that every method which that Association recommended is to be the final word upon the subject. But very great credit is due to the organizations of the lawyers for the suggestions that they have made. They are the natural outgrowth of our jurisprudence. The United States of America was the first to establish a tribunal that should have authority to decide questions arising between sovereign states, and to provide that the whole power of the government should be exerted to enforce its decisions. That great principle, embodied in the constitution of the United States, has certainly worked well. The

Supreme Court has proved to be, not only in the domain of interstate relations, but on questions of international law as well, a tribunal to which the whole world has looked with respect. We Americans may justly say that there is no tribunal, since the world began, whose decisions have been looked to with more general regard and observance than those which have been promulgated at Washington. As Mr. Everett once said, questions less difficult and less important than those which have been disposed of peaceably by the Supreme Court have plunged nations into war. It was natural that those who had practiced before that tribunal, and had learned by actual experience that the riddle was not insoluble, that such questions did admit of peaceable solution, and were in due course solved to general satisfaction, should see that the same principle could be taken up by the nations.

We have not expected the compulsory sanction which exists in the United States. We have not seen that that was even desirable in any existing or probable future condition of an international tribunal. We have thought and do think that the sentiment of honor among nations, the regard for plighted word, the respect for public sentiment, would be strong enough to give the decision of such a tribunal all the sanction that is necessary. Therefore it is that we look forward with the utmost hope to the deliberations at The Hague. We do believe that the end which petty jealousies have succeeded in defeating in the past has now, in an atmosphere larger, more liberal, more divine, become a possibility, and from a possibility will become a practical result.

HON. WALTER S. LOGAN: I have to speak to you from the point of view of the lawyer. The training of the lawyer leads him to put into special prominence the practical rather than the scholastic side of a question. If a man is in trouble he pays his fee to a lawyer, not for a scholastic opinion, but for some practical way out of it. Anything that appeals to a lawyer must be something that can be carried out. It is not what you may think, but what you can do, that he considers of importance.

The lawyer also is accustomed to pay a great deal of regard to precedent. We are accustomed to think that the easiest way to get anywhere is to travel along beaten paths, even though they are not the shortest, rather than to hew a way through the untrodden wilderness. Thus there has grown up among the members of the Bar of our English-speaking world a regard for precedents, which men of excessive zeal sometimes object to, but which is really indicative of a very healthy state of mind.

When we come to consider the question of a tribunal which is to decide differences between nations, we as lawyers apply to the question our experience with tribunals for settling differences between individuals.

We first look at the practical side of the question. Is it possible to establish such a tribunal and to make it a beneficent factor in

civilization? I think any one who has studied the question will agree with me that it is not now half as difficult to establish a tribunal to settle international differences as it was in the beginning to establish the municipal tribunals which settle individual differences. A bad man is harder to deal with than a bad nation. There are influences which tend to conservatism operating upon nations which do not affect individuals, and there were difficulties in the way of applying the law of reason instead of force to individuals which will not have to be encountered when we come to deal with nations.

The problem of establishing a tribunal to settle the differences between the fifty or one hundred nations in the world is really much simpler than was the problem of establishing tribunals to settle differences between the untold millions of men and women in the world. It would be such a confession of the weakness of our race as no thoughtful person who belongs to it would be willing to make, if we were to admit that the problem of finding some other way than through war to settle national differences was too great for the race to solve.

If, then, a solution of the problem is possible, along what lines shall we look for such solution? Here we must consider precedents. We must study the question in the light of history.

We are all evolutionists now. The methods of the evolutionist have become a part of our nervous structure, and not to think as an evolutionist now is not to think at all. Evolution teaches us that the great problems of creation, of botany, of zoology, of sociology have been settled on the lines of least resistance. There has never been any change of form or structure in plant or animal life, or any reform among mankind, which did not occur because there was an unfitness to the environment, and it has been the pressure back of it that has produced all change and all reform. Where there is pressure the yielding is where there is least resistance, and wherever there has been a change of form along certain lines it has been because those were the lines on which the change or reform could best take place.

There never was a greater problem which our race had to meet upon the earth than the problem of learning how to live together, men, women and children, without cutting one another's throats. Leave nations alone without an international law and an international tribunal and there will be war sometimes; leave individuals alone without municipal law and municipal tribunals and there will be war all the time. The great problem of the ages was to abolish individual warfare among men and women; and how was it abolished? By the establishment of municipal law and the organization of our ordinary, everyday municipal tribunals. It was not until a man learned how to try a law suit that he could venture to sell his gun or sword. The first thing mankind had to do in its upward progress was to go to school to the lawyer.

When we come to establish international tribunals, courts to determine differences among nations, we shall do well to pay regard to

the precedents which have been established in the establishment of the ordinary municipal tribunals which now keep the peace between individuals. Let us investigate the history and study the organization and methods of procedure of the courts that now exist, when we come to extend the power of the court over nations as well as individuals.

Dr. Hale has spoken well and eloquently to-day upon the necessity of the permanence of an international tribunal. I should say that it is not a tribunal unless it is permanent. The difference between the highest courts of justice in the world and the courts of the law school is a difference simply of jurisdiction and permanency.

I have never liked the phrase "international arbitration." I do not believe in arbitration; that is, not as a system or as a goal toward which we should work. When there were no municipal courts, or where there have been no municipal courts, peaceably inclined men have agreed to submit their differences to the arbitration of a neighbor, and such arbitration has done something to make life livable and keep the peace of the world. But this is a sorry makeshift. Its sphere was exceedingly limited, and in those countries where municipal jurisprudence has been most developed and the law best established, arbitration is little heard of. International arbitration has played its part, and a good part, in the later history of the world. It has done something to preserve peace among nations. Some difficulties have been settled by it that otherwise must have been settled by the sword. But international arbitration—a court that is not a court, and a law suit that is not a law suit—is a pretty poor makeshift for what must inevitably come soon: an international jurisprudence which shall be binding upon nations, and a permanent tribunal which shall enforce it.

If I were formulating a title for this Conference I would call it "A Conference in Favor of an International Court." No tribunal can have the respect and confidence of nations unless it is permanent in its organization and has a jurisprudence behind it. We have learned that in our experience in the establishment of municipal tribunals. We elect our governors for terms of one, two, three or four years, but judges in the State of New York serve for fourteen years, and in the United States Courts for life. We have learned that it is best not only to have permanency in the organization of a tribunal, but as much as possible in the personnel of which it is composed.

There is another feature of the international tribunal which is to come that I think we would do well to bear in mind. More important than the establishment of some tribunal this year or next is the establishment of a right kind of a tribunal when it comes. We can afford to wait for it, but when it comes let it be in a form worthy of the civilization of the twentieth century.

The international tribunal which shall have the confidence of the world, and which shall be the factor that it is to be in civilization, must be formed along the line of our Saxon jurisprudence. The

fundamental characteristic of our Saxon jurisprudence is that it is a growth. It is the product of evolution. It is what it is because we have learned that it is best that way. The Roman jurisprudence was practically a code—a series of enactments—which went into the minutest details of life. Our Saxon ancestors never codified their laws, and we of the English-speaking world who succeed them can do worse than try to imitate their example. Saxon law is live law and you cannot bottle it up. Roman law was an artificial law, a dead law, and can be preserved as all dead things can.

Napoleon one summer, when he had a little leisure from his wars, wrote a code, and patterned it after Justinian, and that Napoleonic code has become practically the law of the Latin world ; but it is a dead law, because it was made by human hand. The common law of the English-speaking nations, the jurisprudence under which we live, is the product of two thousand years of evolution. It is a live law, because it is the product of a natural growth. When we come to have an international jurisprudence, let it be a living jurisprudence, and when we come to have an international tribunal, let it be one that is founded to administer living rather than dead law.

Perhaps the distinguishing feature of the actual operation of our common law is the evolution of the cross-examination. All tribunals when they have before them a question of concrete law dispose of it substantially by the same method. Any tribunal can pass upon a question of law ; the trouble arises when you have to pass on the question of disputed fact. When two men, honestly or otherwise, remember things differently, every judge will tell you that that is the troublesome part of a law suit. The question as to which should be believed used to be settled by putting the men on horses with a tin plate in front of each and setting them upon each other, and the one that survived was the man who had told the truth.

We English-speaking people have evolved, to take the place of this, the system of cross-examination. There is no cross-examination, as we know it, under any other system of jurisprudence. In other parts of the world, except where they have imitated us, the witness is taken into a closet with the judge, and the judge takes his testimony—and if he is an honest judge he does not take anything else. We never send the witness into a closet. His credibility is submitted to the test of a cross-examination. It is the evolution of the cross-examiner which has made our jurisprudence possible.

When you come to establish an international tribunal which shall have the power to decide the great questions that arise between nations, it must have the power to summon witnesses, and somebody must have the power to cross-examine them. The lawyer must be there.

I thank Dr. Hale very much for the tribute he has paid my profession. The Bar Associations of this country are doing the best they can to make the profession worthy of it, and I believe that, taking it through and through, the tribute he has paid us is deserved.

When a lawyer is spoken of it is usual to say something about his fees. The joke on that subject is a very old chestnut. The subject of fees is a subject very dear to my own heart. My life is passed in chasing a fee. But—the cost of one day's bombardment of Santiago was greater than the cost to a client of any lawyer's fee that was ever paid.

HON. EDWARD ATKINSON: Within our narrow limits much good may still be attained by a meeting of this quality and character.

Dr. Hale has made reference to the commercial view of this subject as one of minor importance. I would remind him that a hundred years ago Kant uttered his prophecy of "Eternal Peace," basing it upon the power of commerce to assert itself and to suppress war. That power is based on the Golden Rule, which rightly translated from the great codex is: "Thou shalt serve thy neighbor as thyself." By that rule commerce exists and has its being; and except it be governed by that rule it has no permanent duration among men.

I would like at a later date to speak more on this and to state my few observations, two years ago, in Russia, which, while they could not have led me to anticipate what has happened in the utterance of the Czar, showed me conclusively that the time had come when the progress of Russia demanded the suppression of militarism. All my ideas of Russia and the Russians were overturned: the most democratic country in Europe, with its zemstvos, corresponding to our town-meetings; trying to abandon the communal tenure of land; the titled nobility depending upon service to the central power, which can denobilize him who does not do that service.

Mr. Atkinson spoke further upon the question of what constitutes a state which would have the title to appeal to a Permanent International Tribunal. Dr. Hale, Mr. James Wood and Mr. Mercer spoke briefly on the same subject.

HON. JOHN I. GILBERT: Many of us cannot remember when we began to dream and hope and pray for arbitration. I cannot. Will you pardon one personal word? The honored chairman of this Conference may possibly remember that in 1851 the legislature of Vermont—the state which he has represented with such eminent dignity and efficiency, and from which I take great pride in saying that I came—appointed a special committee upon the subject of international arbitration. That committee reported in favor of a Permanent Tribunal for the settlement of international difficulties. I wish I had that paper here: it would be for a purpose much better than to gratify a little personal pride that I would call attention to the fact that my father was the chairman of that committee.

To this we have been looking forward—not a few men only, scattered up and down through the land, but more than you suppose. In the quiet homes of our land, and in the quiet homes of other lands, men and women have felt that the time has come when the savagery of war should end and the glorious era of reason and goodwill and

peace should be established among the nations of the earth ; and now what a great thing is it that, in this year 1899, there is a tribunal, no longer of the men who merely wish the world well in their quiet homes, but of men who represent the dignity and the power, yes, and the armaments of the world, and they are deliberating upon this same theme. It is our solemn duty and our splendid privilege to seize the opportunity for ourselves and seek to make the most of it.

This Permanent Tribunal is rooted and grounded in the most permanent things of which we have any knowledge. It is rooted in the conscience of mankind ; it is rooted in the sense of justice of men and women everywhere ; it is grounded in reason. And when you have the conscience and the good sense and the reason of mankind arrayed on the side of a proposal, and a favorable opportunity to give it expression and effect, do you think nothing is to come of it? The results will be wider and deeper and more permanent than we can imagine to-day. We are not confined within some pent-up Utica ; we have a world-wide and a heaven-high and an age-long theme. Let us seize the opportunity and make the most of it.

We want a tribunal that shall represent the intelligence and the impartial spirit of the world ; and then we want to make it permanent. It will not all be done now ; but if we can get the plough-point well in, we will not look back until the furrow is made. What shall we urge them to do? To do the very best that they can to-day ; but let them provide, as we do in the State of New York, for a reconvening, for another convention, which shall consider the work still further, and carry it on to its next logical step.

HON. ROBERT TREAT PAINE: The first thing we want to appreciate as we gather here is the splendid opportunity which is given to the whole world and to us to recognize and to help on the conditions which we delight to observe. I do not think that we appreciate — I have not seen any man or woman who has attempted to describe adequately — the wonderful change which is taking place in the history of the world, in the assembling of this conference at The Hague. In my judgment, it transcends any human event which has taken place. It is the first Parliament of Man ; it is the first step towards the federation of the world. This body of men gathered at The Hague represents the whole world ; and whether they produce the court of arbitration in one form or another, I am going to say, with a little exaggeration, I hardly care. The fact that this conference of representative men from all the great countries of the world has met in order to take steps forward in the direction which the conscience of mankind dictates, is to me the wonderful and the supreme event. It seems to me that it would be worth the gathering of our Conference only to say that we recognize the magnificent progress which the world is making in this direction, which for four years this little body of men and women have met here to study and help.

Four years ago we met here, on the fifth day of June, on this beautiful hilltop. What then was the dream? A treaty of arbitration

between Great Britain and the United States. After we had spent three days in discussion, that was the culminating thought in the resolutions which the committee prepared and which the Conference adopted. Two years after that, we met here again in a moment of profound depression. A treaty had been signed by the Executive authorities, it had been laid before the Senate of the United States, and it had failed. Can anybody realize the progress which the world has made in two years since that time? The dominant sentiment of this Conference should be a sense of jubilation that the world moves, and that we are sharing in it and helping in it and delighting to watch it and praying for it.

REV. A. H. BRADFORD: I have been so frequently reminded that all that is practical in this world comes from the lawyers and the business men, and all that is purely ideal from the ministry, that I hesitate to say anything on an occasion like this; but I feel that there is still a fact which has not been mentioned in our discussion, to which attention ought to be turned at the beginning of these meetings. It cannot be entirely without significance that the reports from The Hague do not have one twenty-fifth part as much space, even in the very best of the Boston papers, as a prize-fight or a divorce suit would have. It is not without significance that any such gathering as this at Mohonk attracts so little attention. There was a reason for the fact that the arbitration treaty between England and this country was defeated. The people were not anxious to have it succeed. We believe in what has brought us here. We believe in the work which is being done at The Hague. There is reason, as has just been said, for jubilation because of the progress of our cause. Congratulation ought to be the note of this meeting; but we must not forget that the great mass of the people do not yet believe in arbitration as practicable; neither should we forget that the mass of the people regard those who are here as harmless fanatics, of a class that the world has always known, and who, like the poor, will always be with us. We have a large task on our hands. That task is to make the world appreciate the grandeur of the visions which we have seen. The statements which have been made to us by Dr. Hale and those whom he represents of course will command the unqualified assent of all the members of this assembly; but the problem, after all, is how to make the masses of people who are not here believe in what is almost commonplace to us.

When the conference at The Hague has finished its proceedings, what assurance have we that they will be confirmed by the governments which are there represented? I do not think we have very good reason for thinking that the Senate of the United States has yet reached a stage of evolution sufficiently high to warrant the expectation that those proceedings, if they are radical in their suggestions, would be approved by that august body. I say this with no disrespect to the Senate of the United States, for it is fairly representative of our citizens. As I go among people I find a very

general feeling of suspicion in regard to this whole movement. If I were asked what is the greatest benefit which is to come from the Mohonk Conferences, I should say, it is not in any specific suggestions which here have been made; in any emphasis which has been put upon arbitration or upon an international court; it is not in any plans which we have made or may make,—but it is found in the magnificent enthusiasm which has been kindled in the hearts of the people who have attended these Conferences and which they in turn have passed on to others with whom they have been surrounded when they returned to their homes.

The supreme privilege of this body, and the greatest duty that rests upon it, is not simply to answer the questions which are here proposed, important as they are; but it is to consider them in such a way that when we go out from here we shall feel impelled to do our part in the creation of a public sentiment which shall demand that international difficulties be settled in some other way than by war. This sentiment ought to exist; but only the blindest kind of optimism can believe that it does exist yet, even in our own enlightened republic.

REV. JAMES M. LUDLOW: I am not a lawyer, and know nothing about the details of the organization of a court of arbitration. But I was struck with the remark just made by Dr. Bradford, to the effect that the people are not yet ready to recognize such a court. The reason, perhaps, is this: that they do not see how that court could enforce its decisions.

But independently of such ultimate enforcement, an incidental advantage may be considered. The fact of the existence of the court, and that cases are to be referred to it, would give a rest to the popular clamor for war while a case was pending. And that, it seems to me, will be almost as useful to humanity as any decision the court might afterward render. The great menace of war is in the sudden excitement of popular passion. Each one of a thousand of us, asked privately the question in almost any issue, would say that war was undesirable and suicidal. And yet, bring us together, and let us speak with one voice, and under the excitement of the moment we will declare for war. Men are like coals in a grate; one will die out, a hundred will flame with fury. The imminence of war comes from this fact of the excitability of the people.

We understand this from our late experience. How near we were to war between the United States and England, just through the inflammability of popular passion! It is a great thing that nations shall be forced to wait a month, two months, three months, while the case goes first to the court of arbitration. Bankers know perfectly well that the country has more than once been saved from financial panic by the intervention of a Sabbath or a holiday; that shrewd business men themselves cannot control their own excitability at the moment: and so it is with nations. We need such a rest, especially in these times when we are increasing our national armaments.

You remember that sentence from Admiral Sampson's address the other day. "Does the increase of sea-power make for peace?" The old battle man gave answer, "No, it means war." We are increasing our naval armament. We are kindling a popular enthusiasm for the navy, and thus preparing the national passion to go off at a touch. We are proposing to increase our armies also; that means the multiplication of lower officers, every one of whom knows that his advancement, pecuniary and in position and honor, depends on war. Two years ago I met an army officer who looked the very type of a military man, and in talking with him I found him wonderfully intelligent and of great business capacity. I said to General——, who was in command of the Department of the Northwest, "Tell me about Major——." "Major——", he said, "is a man who could command armies. He has been twenty years coming up from a lieutenancy to the position of a major. Oh for a war, that such men may have a chance!" Now we are increasing our army, and multiplying these officers, every one of whom is as a spark on that powder of national excitability. More than that, we are fostering an army of contractors,—millions waiting for investment in beef and clothing and guns and ships; and another army of persons "waiting for something to turn up," and it does not turn up in time of peace. We are just in the condition where we are ready to go into war, the whole nation, in its sober judgment, saying no all the time. Now a court of arbitration calls a halt, which will come in like a Sabbath day of peace, lulling the passions and allowing the judicious sentiment, the sober second thought, to come uppermost.

PRES. J. D. DREHER: I take a somewhat more hopeful view of the subject, with respect to the interest of the public in this question, than Dr. Bradford. If there were not rules forbidding the publication of the proceedings at The Hague, we should have columns in our papers every day. I do not think the briefness of the reports indicates a lack of interest.

I think I can make a suggestion which will help to give publicity to our proceedings here. If the platform of the Conference could be presented at the morning session of Friday, and sent to New York to be put in type at once and sent to the papers, we should receive attention from many papers which take no notice of the brief telegraphic reports. If the religious journals throughout the country could receive this platform on Saturday, they would insert it in the paper of the next week. But if only a few New York papers receive reports, and that in a brief form, very little attention will be paid to the conclusions reached here.

MAJOR MARSHAL H. BRIGHT: In explanation of the failure of the press to print full reports of the Conference let me say this: it is not altogether or chiefly because the reports are not sent in early that the blue pencil is used on them; it is because the people are not educated and popular interest seems to be lacking in the

subject. If there could be a scandal in this little community, there would be a column of dispatches on the subject next morning. The minister who preaches something else than the gospel of Christ has no trouble in getting himself reported in the daily papers; but let him preach the gospel in its simplicity and power, and he can get his sermon in by paying full advertising rates. We can best promote the cause of international arbitration by increasing intelligence and interest among the people. How can we do this?

This can be done by commencing in the schools. "The school-master is abroad," said Lord Brougham, "and I can trust him with his primer against the soldier in full panoply of battle." A bishop of the Roman Catholic Church once said: "Give me the children between the ages of five and nine, and I do not care who has control of them afterwards." When we see high commissioners and ex-presidents and the Czar of all the Russias and the other crowned heads of the world unite in forming a congress for the discussion of arbitration, then, however you may close the doors, some representatives of the press will be there, and afterwards the results will be sent abroad and the influence will permeate every section of the country. It will be like that wireless telegraphy that radiates from a common centre and touches all points. And thus is developed that mysterious and yet all-powerful influence which is sure to prevail.

There are many influences adverse to this or any other conference for the amelioration of the world. But there are other influences that are uplifting and inspiring; and we who believe in the ultimate triumph of good must believe that these higher influences are destined to prevail.

Upon motion of Mr. Jones of Rochester, it was unanimously voted that the Conference send a telegram of sympathy and greeting to Mrs. Albert Smiley, who was absent at a sanitarium on account of ill health.

The Conference then adjourned to 8 o'clock.

Second Session.

Wednesday Evening, May 31.

THE Conference was called to order at 8 P. M. by the President.

Mr. Alexander Wood and Mr. Walter S. Logan were appointed an Auditing Committee.

Addresses were then made upon the progress of the cause of arbitration in the past year. Abstracts of these addresses follow :

THE CZAR'S RESCRIPT.

BY REV. EDWARD EVERETT HALE, D. D.

The Czar's letter struck the world as from an open sky. Every person of conscience, Christianity and truth was of course glad that there was such a letter. The people who always look first on the wrong side of things felt sure that some bad motive could be assigned for it. Our friend Mr. Kipling made his first slip from grace in speaking of the Czar as a bear who was trying to look like a man in order to catch unwary travelers and crush them to death: on which our friend Mr. Mead of Boston said that he thought it was a great deal better for a bear to act like a man than it was for a man to act like a bear. That epigram, I think, settles that matter.

The Rescript took the world absolutely by surprise; but gradually — and it is that history which I am to try to give — the better public opinion of the world has shown itself. It showed itself from the very beginning among the diplomatists; and the curious fact that all the twenty-six governments instantly accepted the invitation, and accepted it with joy, was also a damper to our friends the Philistines.

The Rescript was very badly translated into English; so badly that I hope this very Conference will take measures that in our published proceedings it shall be published in a better translation. Poor Count Muravieff had to write in French; undoubtedly he would rather have written it in Russian. Accomplished French scholars though we all are, I think any one of us would be a little dashed if he had to draw the Declaration of Independence in the French language; and occasionally the Rescript failed to express, in the strike-out-from-the-shoulder fashion, the truth which the Count had to express.

Twenty-six sovereigns immediately accepted the invitation. Lord Salisbury's letter is one of the classics in diplomacy; it is a much stronger letter than Count Muravieff's, and it struck the key-note for those people in England who did not know what to think. A very curious movement was then inaugurated in England by Mr. Stead, who is known to most of us as the editor of the *Review of Reviews*. Mr. Stead announced that he was going to publish a journal called *War against War*. I do not suppose either party in Parliament dared show its hand in this matter, but Mr. Stead and the gentlemen around him satisfied themselves that if the rank and file of the English people could find out what was in the air they would express their opinion in favor of the peace conference. I believe I am telling no secrets which have not been told elsewhere when I say that they waited at once upon some of the richest men in the world, and said to them, "This is your last chance for peace," and three of those men told them to spend as much money as they wanted to spend for the cause of peace and they would fill up the checks. Two other gentlemen of the same position gave them five hundred pounds each; and so they were able to begin operations with what Dr. Johnson would call an "unlimited potentiality of wealth." They hired offices in London, and they began this very curious crusade, which has resulted in their holding many hundreds of meetings in the cities of England, called in many instances by the mayors and aldermen of those cities, and bringing together people of the first distinction, though not, in many instances, people in politics.

It has been very amusing to watch the change in the Philistine press of England; for the press in England is bitterly Philistine. For instance, our excellent friends of the *London Times*, who do not know what the word "principle" means—to see how they swung around and spoke respectfully of the conference at the end, when at first it was not worth the attention that you would pay to a lame butterfly, was most amusing. Mr. Stead and his friends steadily held these meetings in England. They opened a correspondence with the leaders of opinion in sociological lines on the Continent; but, as has been intimated here to-day, the Continent is governed very largely by militarism, and public opinion is directed very much by the gentlemen who have on colored coats with gold upon the sleeves. You cannot help it—if a third of your population is engaged in war in one way or another and is closely organized, if the kings cannot sit on their thrones without standing armies, you cannot help having a strong public opinion on that side; but the people who work and who pay taxes,—the ploughman who, as Mr. Evarts said, is carrying a soldier on his back all the time,—those people it was that could be waked up to some consciousness of the opportunity; and so there began a very interesting change, a change slow and not very extensive, in the attention paid to this subject in the different states of Europe. I have received pamphlets in almost every language of Europe in which the sociological leaders have done their best to bring about a more cordial feeling with regard to the conference.

Many different statements have been published as to what the Czar wanted or what he did not want. They are of very little consequence. You get ninety-six of the most sensible men in the world into a room, the men who have led public opinion in their states in the half-century past, and it does not make much difference whether the Czar wants one thing or another. The issue went out of the Czar's hands as soon as these states agreed to join in the meeting.

All the whispers which come to us, as to what this government wants or that, must be taken with the greatest caution. The government of this country from the first took the ground that a country which had just been successful in war must not offer too much advice as to peace; but the administration was awake to the importance of the position, and when the hour struck it turned out that six gentlemen had been selected, of the very first position and character in the world, who are now representing us with the greatest honor and dignity at The Hague.

The Czar's proclamation, as anybody will see who takes the trouble to read it, is a passionate appeal for the maintenance of peace. It has always been called a "disarmament proclamation," but the congress is really to provide for peace. The Czar said that in all the treaties made in twenty years, the desire for some method to solve difficulties without recourse to arms had been stated. Our government met that statement at once by requesting Mr. Moore, the distinguished student of international law in Columbia College, to prepare those treaties for publication, and has just now brought them forward. They are in the public libraries, and will be an interesting study for those who care to know anything about the real problem.

In those twenty years there have been almost a hundred proposals of the kind which we are to discuss to-night. One of the very latest I hold in my hand: it is the general treaty of arbitration which Italy and the Argentine Republic made last July, in which they submit all cases of difference that may arise between them to what may be called a Permanent Tribunal, and pledge the honor of the nations to agree to the decision of that tribunal. It is rather interesting that this plan goes a little farther than any earlier plan, in providing that neither of the three judges in the tribunal shall belong to either of the nations, and that the court must always sit outside the countries involved.

The earliest of the documents to be studied is the proposal made by the little republic of Switzerland to our government in 1883, a proposal which has never been wrought out. The proposal made in Mr. Blaine's great Congress, when sixteen states agreed to a plan, is here. Then there is the famous Olney-Pauncefote plan; and, as I believe, head and shoulders above them all, the proposal made by the State Bar Association of this state, which is likely to be the centre of the plans for the nations interested in an international court.

But understand that what we read from day to day is the gossip of The Hague. The conference sits, as it should, with closed doors; and when it is ready it will tell us what is done and what is not done. The case is precisely similar to that of the convention which made the Constitution of the United States, which after sitting a few weeks published to the world what Mr. Gladstone has called the most extraordinary result of the human intellect ever wrought out in so short a time. That decision could never have been arrived at had there been open doors. We are to recollect that what we read is the gossip of intelligent men who are permitted to talk with the gentlemen, but who have not known in detail what the proceedings are.

THE RUSSIAN PROPOSALS.

BY REV. WILLIAM HAYES WARD.

The matter which we have to consider, and which is before the conference at The Hague, has not to do with an international congress or parliament, or any body which is to make laws for the nations. It is not legislative, it is judicial: it is an international court. We must keep distinctly in mind that it has not to do with post-offices or anything of that kind, but with the administration of justice in the settlement of disputes which arise between nations.

We have received some knowledge to-day as to the Russian proposals. Such proposals may contemplate temporary *ad hoc* conciliation or a permanent court. The proposals, as I understand, which have thus far come from the Russians are of the former character, for temporary and occasional courts of arbitration. The distinction is a very important and vital one. It is of the same sort which many of us understand in ecclesiastical matters. I believe that the Baptists and Congregationalists have a custom, when a difficulty arises, of calling a "council." That council has absolutely no authority; it has simply the right and duty of giving the best advice it can; but that advice is generally followed, and it is considered that those who do not follow it are acting against the light which comes down, practically, from heaven. But, on the other hand, the Presbyterian form of government provides for permanent courts. And that alternative method is also proposed at The Hague. But the Russian proposal, as I have said, is purely for an *ad hoc* tribunal, as difficulties may arise.

First, it says that there shall be absolutely no compulsion as to bringing any question before the court, and no compulsion as to the acceptance of the judgment. In fact, in the nature of things, such compulsion upon nations is impracticable; it could only be possible in the case of the secondary nations. But we have already come to that condition of the world in which public sentiment is strong enough to take the place of the force which in other days would have been supplied by armies.

The Russian scheme proposes that the contracting powers should seek, in any case of difficulty, an arbitration, if no vital interest or national honor is at stake. I understand, however, that they mean also to imply that the contracting powers may, by a treaty among themselves, agree that all of a certain class of difficulties shall be presented to arbitration. Thus those which have to do especially with the interpretation of treaties—not on such matters as boundary disputes, but such matters as pecuniary damages, or commerce and navigation, or currency or copyright—might be thus submitted. They further propose that in all other cases of difficulty arbitration be advised. But it is not proposed that an agreement shall be made in advance to enter into arbitration upon such questions.

It is also proposed in the Russian plan that, in cases which have to do with interpretation of treaties before arbitration is begun, there may be a commission of inquiry appointed between the nations, with a view to ascertain the facts. It is often the case that the facts are what is needed in reference to a matter in dispute, and what is proposed is that these questions of fact may be referred to a commission which shall carefully investigate and report to the powers. Then the powers shall take the facts as thus presented and attempt to agree upon that basis. If then they cannot agree, the matter may be referred to a court of arbitration.

This proposal, as I understand, has been published in full in one of the newspapers at The Hague, and we have in our papers the substance of it. It is better than the present practice of nations; but it does not begin to compare with the British and American propositions. Those propositions have not yet been printed in full, and in fact the American plan has not been fully formulated. Great credit, I understand, is due to Secretary Hay in connection with the formulation of the plan which is being worked out by our American commissioners; but it is substantially identical with that which Pauncefote, at the head of the British delegation, will present, and calls for a permanent court of arbitration. That plan, as I understand it, requires that two jurists of renown shall be appointed by each one of the contracting powers and that they shall form a permanent court; that this court shall meet either at The Hague or at Berne; that it shall have permanent officers; and that whenever a dispute comes up the matter shall be referred either by one or both of the powers to this court, which shall immediately consider it. The American scheme is worked out much more fully than this outline indicates; and Sir Julian Pauncefote, with Seth Low and Mr. Holls from our own delegation, have been working upon it together with the Russian scheme and the British, hoping to present the three as consolidated into one practicable and practical whole. A meeting has been called of the members of the different national commissions at the conference, to present to them this composite scheme by Russia and England and the United States.

It is not strange that Russia has taken the lead in this matter. It is not strange, however, that Russia does not at first propose to

go farther than she has done in these proposals. Russia has very great questions before her, of a kind which concern, as the plan says, the honor and vital interest of the country. Russia is extending herself into the East very rapidly, and has "vital interests" there, which I am sure she would never be willing to refer to any court of arbitration. Such are the questions between her and Germany as to matters in China, and those between her and France, whose interests are now beginning to diverge from her own, and in the near future are likely to be very sharply opposed to them, in matters referring to Syria and the shores of the Mediterranean. And yet we may hope that if France shall enter into this agreement with Russia, success will be secured. I am greatly pleased to see that while the German press has been saying all along that there was no hope from this conference in reference to the reduction of armaments, it is not now wholly hopeless that something may be accomplished in the way of arbitration between the powers.

THE ITALY-ARGENTINE TREATY.

BY HON. EVERETT P. WHEELER.

We do not know authentically what has been going on at The Hague. I have no means of information that are not open to any of you. But of this we may be certain, that the most recent projects for international arbitration, especially those which have already crystallized into the form of treaties, will be under consideration there. Perhaps it will be more interesting to you, and more helpful to the general subject and our consideration of it, if I translate to you the treaty which has been made at Rome between the King of Italy and the President of the Argentine Republic, which was signed on the 23d of July last. It is the latest word which has been formulated on the subject of international arbitration.

ARTICLE I. The high contracting parties bind themselves to submit to the decision of arbitration all the disputes, whatever may be their nature, which may arise between the said parties during the period of the existence of this treaty, when such cannot be adjusted in a friendly way by the ordinary course of diplomacy. This provision for arbitration extends to disputes arising out of acts occurring prior to the negotiation of this treaty.

ART. II. The high contracting powers will conclude a special convention for each case, to determine the precise object of the litigation, the scope of the powers of the arbitrators, and any other matters having reference to procedure. In default of such a convention, the tribunal under the instruction of the parties shall determine between the contentions of the respective parties the points of law and of fact which must be decided in order to bring the litigation to an end. In default of such convention, or in points not covered by it, the following rules shall be observed :

ART. III. The tribunal shall be composed of three judges. Each of the contracting parties shall appoint one. The two arbitrators thus chosen shall choose the third. If they fail to agree in a choice, the third arbitrator shall be

chosen by the head of a third State, which shall be requested to make the selection. This State shall be designated by the arbitrators already appointed. If they do not agree upon the head of the State to be named, the President of the Swiss Confederation and the King of Sweden and Norway shall be asked in turn to name the third arbitrator. The third arbitrator thus chosen shall be president of the tribunal. The same person cannot be named in succession as third arbitrator. The arbitrators shall not be citizens of the contracting states, nor domiciled nor resident in their territories. They must have no interest in the questions which constitute the subject of the arbitration.

ART. IV. If an arbitrator, for any reason whatever, cannot undertake the office to which he has been appointed, or if he cannot continue in it, his place shall be filled according to the same procedure used in his appointment.

ART. V. In default of a special agreement between the parties, the tribunal shall designate the time and the place of its sessions, which must be outside of the territory of the contracting parties. It shall choose the language which shall be employed, the methods of examination, the forms and the limitations to be imposed upon the parties, the procedure to be followed, and, in general, it shall adopt all the measures necessary for its action, and decide all the difficulties of procedure which may arise in the course of the discussion. The parties, on their part, pledge themselves to place at the disposal of the arbitrators all the means of information within their power.

ART. VI. An agent of each of the parties shall be present at the sessions, and he shall represent his government in all matters pertaining to the arbitration.

ART. VII. The tribunal shall be competent to decide upon the regularity of its constitution, the validity of the submission, and its interpretation.

ART. VIII. The tribunal in its decisions shall follow the principles of international law, unless the submission provides for the application of special rules, or authorizes the arbitrators to render their decision as friendly counsellors.

ART. IX. Unless provision is made to the contrary, the decisions of the tribunal shall be valid when made by a majority vote of the arbitrators.

ART. X. The judgment rendered shall decide definitely every point of the litigation. It shall be drawn up in duplicate original and signed by all the arbitrators. If one of the arbitrators refuses to sign, a note of the refusal shall be made in the judgment, which shall take effect if it bears the signature of a majority of the arbitrators. The judgment shall not contain any dissenting opinion. Notice of the judgment shall be given to each party through the medium of its representative before the tribunal.

ART. XI. Each party shall bear its own expenses and one-half of the expenses of the arbitral tribunal.

ART. XII. The judgment, legally pronounced, shall settle, within the limits of its applicability, the matters in dispute between the parties. It shall indicate the limit of time within which it is to be executed. The tribunal shall have the power to settle any questions which shall arise as to the execution of the decree.

ART. XIII. There shall be no appeal from the judgment, and its execution shall be confided to the honor of the nations signing this treaty. A revision of the judgment, before the same tribunal which has pronounced it, may be asked for before the execution of the judgment: first, if it has been based upon a false or erroneous document; second, if the decision in whole or in part has resulted from an error of fact, positive or negative, resulting from the acts or documents presented on the trial.

ART. XIV. This treaty shall continue in force for a period of ten years from the exchange of ratifications. If notice to the contrary is not given six months before the date of its expiration, it shall be understood that it is renewed for a new period of ten years; and so thereafter.

ART. XV. This treaty shall be ratified, and the ratifications exchanged at Buenos Ayres, within six months from this date.

Done at Rome in duplicate, July 23, 1898.

CANEVARO.

MORENO.

I draw your attention to three or four points in which this is very much in advance of most previous treaties of arbitration. In the first place, *all questions* are submitted for determination. In the next place, it is provided that no arbitrator shall be either a citizen or a resident of either state involved. You remember that in the Geneva arbitration one of the arbitrators, Lord Chief-Justice Cockburn, appeared practically, though not in form, as counsel for Great Britain, and Mr. Charles Francis Adams as counsel for the United States. The theory of the present treaty is that nothing of the sort shall take place under its provisions, and that each of its judges shall be a judge as we understand that term in our common law, entirely impartial. And to carry out that idea it is further provided that the hearing shall be outside the limits of the territory of either state.

In the third place, you observe how much power is given to the court. That is a vital point. The court is to fix the time for the execution of the judgment. It has the power to decide upon its own jurisdiction,—a power which in this country we do not give to our courts. Whatever the Supreme Court says as to its own jurisdiction is final, it is true, because there is no court to overrule it; but in regard to other courts this is not the case. This Italo-Argentine tribunal, therefore, has dignity and rank of a very high character.

Another point of importance is the remedy given to either party that may consider itself aggrieved, by a motion for a rehearing. That is a long step in the direction of a Permanent Tribunal. Heretofore, when the tribunal had rendered its decision, it had no more jurisdiction, and the individuals composing it became simply individuals. But this treaty continues the court, and imposes upon it the duty of superintending the execution of the judgment, and gives it power to hear a motion for a new trial founded upon an alleged error of either kind specified in the trial.

Let me compare this with the treaty between this country and Great Britain which unfortunately failed of confirmation by the Senate. That treaty in its introduction appeared to cover, and I think on a fair construction did cover, all questions. But in this particular it was distinguishable from the Italian treaty, that according to the character of the questions they were to be determined by different courts, differently chosen and having different powers.

Questions, for example, involving a sum less than a hundred thousand pounds in value and no determination of territorial claims were to be decided by a court of three. The English member was to be nominated by the judicial members of the Privy Council, the American member by the Supreme Court of the United States. Pecuniary claims or groups of claims exceeding the amount already named,

“and all other matters in difference, in respect of which either of the parties shall have rights against the other under treaty or otherwise, provided that such matters in difference do not involve the determination of territorial claims,”

were to be submitted to a tribunal composed of five jurists of repute. And again, questions relating to the determination of territorial claims are to be submitted to

“a tribunal composed of six members, three of whom shall be judges of the Supreme Court of the United States or Justices of the Circuit Courts, to be nominated by the President of the United States, and the other three of whom shall be judges of the British Supreme Court of Judicature or members of the Judicial Committee of the Privy Council, to be nominated by her Britannic Majesty, whose award by a majority of not less than five to one shall be final. In case of an award made by less than the prescribed majority, the award shall also be final unless either power shall, within three months after the award has been reported, protest that the same is erroneous.”

No one can fail to observe the great progress that has been made in the short interval of time that has elapsed between these two treaties. We may congratulate ourselves and the great cause that we have at heart that this development of international conscience and international judgment appears still to be progressing, and that we may hope for something better than either from the existing conference.

WAR AND PEACE.

BY MRS. DONALD MACLEAN.

Mr. Chairman, and Men and Women of this Conference, — I do not pretend to bring forward any views as to how these great questions of arbitration should be decided. I only speak as a woman who believes that peace will come, because it should come; and who at the same time glories in the wars which have gone by in the past. It is no paradox that the society in New York City over which I have the honor to preside should have recorded itself, as it did three years ago, as ardently in favor of the principle of international arbitration, while at the same time that body bears the title of Daughters of the American Revolution. Our honor lies in being descended from men who fought, but they fought that peace with honor might come; and though I stand here to-night longing for the dawn of peace, I pay my tribute to the heroes who died in the last century, the last generation, the last month — the heroes who spilled their blood for their

country's flag. Their blood is not like the dragon's teeth from which sprang armed men; from it will spring the flower of peace. They have placed this country in a position where it has the power to help in the movement for peace. It was because the Czar was powerful that the nations answered his call. Had that call come from a monarch unknown and unregarded, we of this Conference might have wished to send a delegate, but the united nations of the world never would have responded.

Has ever a man shed blood that a woman's eyes were not filled with tears? And yet, was there ever a woman who kept from the field her hero? Think, then, of the exquisite happiness which will come to a woman's soul when she knows that to the sons at her knee she can teach peace, because the united nations of the world have said it is the highest thing a man can learn. I am more proud of my country's flag when it speaks for permanent peace than I ever have been when it waved over warfare; and its magnificent folds will fall more serenely and tranquilly than ever when that permanent international court of arbitration is established.

THE AMERICAN PROPOSITIONS SUBMITTED TO THE CONFERENCE AT THE HAGUE.

BY MR. JAMES WOOD.

It may be of interest to you to hear a word as to how the American propositions, to be submitted to the conference at The Hague, have been prepared. My information comes from a gentleman who has been consulted in regard to these propositions.

I am told that Secretary Hay has taken the scheme of the New York State Bar Association as the basis of his work, as being the best that has yet been made for the purpose intended. I will not speak of that scheme, because to-morrow it will be laid before you in detail by gentlemen who have themselves taken part in its preparation. Secretary Hay, taking this scheme as the basis of his work, took also the Olney-Pauncefote treaty, the Italian-Argentine treaty which has been presented to you here to-night, and all other treaties of arbitration that have yet been made; and bringing these all together, he formulated from them what is now called the American propositions. In this task he consulted many members of the Senate of the United States and justices of the Supreme Court and, last but not by any means least, Sir Julian Pauncefote.

The delay in the presentation of the American propositions to the conference has resulted from the fact that they were not completed at the time that the President left Washington for Virginia. So soon as he returned they received his approval and were then forwarded to our commissioners at The Hague, where they have been delayed a few days for a proper translation into French.

A word or two as to what these propositions comprise : first, I am told, they are remarkable for their simplicity, and secondly, for their comprehensiveness. I can give you but few details. They provide for a feature which I supposed to be new until Mr. Wheeler called attention to a similar proposition in the treaty between Italy and Argentina, — that is, for a rehearing in cases of disagreement in the court or when new evidence is found bearing upon the case which should warrant a new trial. I suppose this feature has been copied from the Italo-Argentine treaty. Thirdly, nothing is compulsory : it is not specified that any cases shall be presented, except as the parties in interest may so desire.

We have seen in the daily papers, ever since the beginning of the session at The Hague, extracts from English papers which spoke in the highest manner of the American propositions. That means something. Inasmuch as these papers do not know what the American propositions are, all these articles are unquestionably “inspired.” They come from the Foreign Office in London, and are for the purpose of preparing the mind of the English people for the acceptance of the American proposals. Sir Julian Pauncefote knows perfectly well what the American propositions are ; he has been consulted in their preparation ; and doubtless the British propositions are presented as a matter of form, that greater weight may be given to the American propositions when the British plan is withdrawn in their favor. We have to-day, however, a very encouraging statement in the papers that the American, British and Russian delegates are working for the formation of one set of propositions, which will comprise the important points of all.

I believe that the American and British delegates are willing to accept the feature of the Russian proposals to which Dr. Ward has referred ; namely, a commission of inquiry. The most of these difficulties grow out of a misunderstanding of the facts, or a failure to know what are the facts bearing on the case. This Russian proposal is a distinct advance, in this respect, on anything ever presented. It provides for a commission composed of two men from each of the governments involved, who shall agree upon a fifth, to be the president of the commission. In case they cannot agree upon this fifth, they shall ask some friendly power to appoint such a president. If they cannot agree upon a friendly power, then all the governments joining in this agreement shall name the president of the commission. This commission shall ascertain the facts of the case and report them, with the expectation that the governments, when the facts are determined, will be able in the ordinary course of diplomacy to come to an agreement. I think the whole world is indebted to Russia, not only for the Rescript of the Czar, but for this important step in advance, which will probably result in the settlement of nine cases out of ten of all that will arise between governments.

I think the situation is in the highest degree encouraging. If Russia and Great Britain and the United States agree upon a definite proposition for this conference, it will unquestionably pass the

conference. Italy will agree, Switzerland will be on that side ; and indeed the result will undoubtedly be the acceptance of whatever proposal may be agreed upon by these three great governments which are now working hand in hand for the accomplishment of this most important matter.

PEACE WORK IN PHILADELPHIA.

BY MR. GEORGE GLUYAS MERCER.

As the secretary of the Philadelphia committee, I have been asked to say a word concerning the work done there in the line of arousing American sentiment to an interest in the Hague conference.

Dr. Hale came to my office some months ago and said to me : "I want you to form a committee in Philadelphia to arouse public sentiment in favor of the Hague conference." Of course a request of that kind from such a man was a command, and the committee was formed.

A piece of good fortune fell to us in securing a chairman. As seven cities vied for the honor of being known as the birthplace of Homer, so two American commonwealths have vied for the honor of being the home of this man, the gentleman who now presides over this Conference, and I am proud to announce the triumph, in this friendly competition, of the commonwealth of Pennsylvania. We knew at once when we secured Judge Edmunds as our chairman that the success of our movement was assured.

We had as treasurer Mr. Thomas Willing Balch of Philadelphia, whose father was the first to suggest arbitration of the Alabama claims, some six years before the treaty of Washington was signed. When Mr. Thomas Balch went to Abraham Lincoln to suggest an arbitration court with England, the President, while admitting that the idea was a good one and might make its way in time, said that he hardly deemed it possible just then, as "the millennium was still a long way off." Balch was at first regarded as a dreaming sentimentalist. May such sentiments have a larger place as the years go by, and as the Geneva convention furnishes a world-wide precedent for the peaceful settlement of international disputes !

We had meetings and distributed literature ; and the latest act of the committee has been to choose two men to go to The Hague as our representatives. Out of deference to Quaker sentiment we named Mr. Howard M. Jenkins, the editor of *The Friends' Intelligencer*, who has already sailed ; and as his colleague we named a man who nearly a decade before the Czar issued his irenic, suggested the disarmament of the nations, in a magnificent address which he delivered at the capital of the nation, before members of the President's cabinet and other distinguished officials. I refer to the Rev. George Dana Boardman, who will sail for The Hague within a few days, charged with the duty of doing everything within his

power to bring such influence to bear upon the American delegates as will secure the formation of a permanent international court of arbitration by the Hague conference.

On behalf of the Philadelphia committee, therefore, we claim that, for strength of membership and importance of the work undertaken, it stands second to none other in the land. And why should not the "City of Brotherly Love" take this interest in the cause of international peace? From the office in the Drexel Building to which Dr. Hale came to suggest the formation of the committee can be seen old Independence Hall and our new Municipal Hall, one rich with memories of the past and the other with promise for the future. There, on a tower more than five hundred feet high, we have placed a colossal statue of the great founder of the city, William Penn, with his Quaker hat on his head, and with his arm outstretched over the city as if to bless the inhabitants of the land where he instituted his "Holy Experiment"; where he founded, under the guidance of the Inner Light, a Christian commonwealth, to which Herbert Spencer points as an illustration of the equitable as contrasted with the inequitable mode of colonizing; where he established, in the name of God and of human brotherhood, a great state, which needed not the protection of arms, because it committed no breaches of the moral law, and where "Peace, unweaponed, conquered every wrong."

I am glad to see that Mr. Smiley has, in the library of the Lake Mohonk House, Penn's "Essay Towards the Present and Future Peace of Europe," because there, in a paper written more than two hundred years ago, William Penn denounced the right of conquest and showed that general peace can be secured only by justice. In fact, he anticipated The Hague conference by proposing a general court of international arbitration, by suggesting a method for the organization of such a tribunal, and regulations for its procedure, and by answering opposition that might be advanced against the design and pointing out the benefits that might be expected to flow from it. Charles Sumner has truly said that "to him belongs the distinction, destined to brighten as men advance in virtue, of first in human history establishing the law of love as a rule of conduct in the intercourse of nations."

When Dr. Hale came to my office, I told him that I had just received a letter from a friend of mine who was once a professor in that Russian University where Tolstoi graduated, in which he had said, writing of the Czar's proposal: "Nobody in Europe who knows Russia takes it seriously." But Dr. Hale, with his characteristic optimism, replied: "No matter about that, let America take it seriously, 'forgetting the things that are behind and reaching forth to the things that are before.'" And these words of St. Paul have been the motto not only of Dr. Hale, but of the Philadelphia committee, and we have done what we could in that line. After all, what affair is it of ours whether the Czar is sincere? We have only to ask what is our duty in the matter. Are war and militarism

evils that drag the world downward and backward, and are arbitration and peace blessings that would lift humanity up? If so, then we must work for them, and the more improbable their immediate attainment, the more need of labor and of hope.

I think I rightly express the spirit of these Conferences when I say that they have never known discouragement. Even in the dark days when our country was engaged in war, or when the arbitration treaty with Great Britain had been rejected by the United States Senate, this Conference was held, with that beautiful optimism that has ever characterized its proceedings. For my part, I could never understand how, in the face of the express words of the Czar's Rescript, it could be taken in any other sense than that which we have learned was intended. "The maintenance of general peace and the possible reduction of excessive armaments," those are the first words of the Rescript; and yet when the peace societies met at Turin last summer, the British delegates warned their colleagues "against making themselves the laughing stock of Europe by coupling projects which the average man would at once reject as Utopian with the one practical project which had just received the unexpected adherence of a great military ruler," namely, disarmament. When a Cambridge (England) professor wrote an article in the *International Journal of Ethics*, he deprecated the suggestion of permanent arbitration as likely to injure the prospects of the Hague conference, and characterized its advocates as "enthusiasts who dream of organizing the millennium, happy in the fond belief that they affirm eternal principles in the face of a hostile world." Let America be thankful that the idealists triumphed at Turin, and hopeful that they may triumph again at The Hague, as the opening address of the Russian first delegate and the proceedings of the conference thus far give every reason to believe that they may.

Upon motion the Conference then adjourned to 10 o'clock the following day.

Third Session.

Thursday Morning, June 1, 1899.

THE Conference was called to order by the President at 10 o'clock.

The report of the Treasurer, Mr. Joshua L. Baily, was read. It was approved and placed on file.

Mr. Paine moved the thanks of the Conference to the Treasurer for his generous administration of the duties of his office; and that he be requested and authorized to open a new subscription to raise funds to carry on the work of publication and distribution of the Proceedings. It was so voted.

Mr. Ginn moved that a committee of three be appointed by the President to assist the Treasurer in raising a sufficient fund for the purposes of the Conference. It was so voted.

Prof. Wilson offered the following resolution, which was referred to the Business Committee without debate:

Resolved, That the Executive Committee be requested to prepare and present resolutions (to be cabled through Mr. Trueblood) to the United States Commission at The Hague, congratulating its members upon the success of their undertaking, and encouraging them in the continuance of their labors. Also, to consider the propriety of an address of congratulation and commendation from this Conference to the Czar of Russia for his noble attempt to ameliorate the condition of mankind by the disarmament of warlike nations and the establishment of a court of arbitration for the settlement of disputes between nations.

Mr. Baily proposed that the Conference assume the expense of postage for the distribution of the report. He considered the report of the Conference the most valuable contribution which is annually made to the literature of the subject; and he observed that these reports were received by the public with the greatest interest.

Mr. Smiley said he believed the annual circulation of the report was of great value in informing the country on the subject of arbitration. More than eight thousand of the last edition have been sent out, and the demand is increasing. It will eventually be necessary to republish the first reports to meet the demand for them. The report is now sent to every library of ten thousand volumes in the United States.

The President announced that for the addresses of the morning a time-limit of ten minutes had been proposed; and it was so voted.

The general subject for the addresses was "The Practicability of a Court of Arbitration." The speakers were Hon. W. Martin Jones of Rochester, N. Y.; Hon. Alden Chester of the Court of Appeals of New York State; Hon. William J. Coombs of Brooklyn; Mr. John Crosby Brown of New York City; Gen. Alfred C. Barnes of Brooklyn; Hon. William L. Scruggs of Atlanta, a member of the Venezuela Boundary Commission; Rev. George Dana Boardman, D. D., of Philadelphia; Hon. William N. Ashman of the Orphans' Court of Philadelphia. Abstracts of these addresses follow:

THE PLAN OF THE NEW YORK STATE BAR ASSOCIATION.

BY HON. W. MARTIN JONES.

A little more than three years ago, when this country was agitated by a feeling that there was likely to be something more than diplomatic negotiation between the two English-speaking nations, the New York State Bar Association met in annual session, and Senator Depew was invited to deliver an address. He chose for his subject "Jingoism." Following the address, a committee was appointed to take into consideration the subject of international arbitration and to devise a plan for an international court. I do not know how that committee came to be made up as it was. There are three members of it here to-day, and I doubt if either of them can tell. It was composed of eleven members of the State Bar Association. Judge Veedler of Brooklyn was chairman, he having introduced the resolution providing for it.

The committee met first on Lincoln's birthday, in the city of New York. We were that day the guests of Mr. Walter S. Logan, who is present. After discussing the subject at considerable length, a sub-committee was created, composed of Mr. Logan and myself. One half the next day was devoted by us to a careful consideration of the subject in the office of Mr. Logan. It was a very big subject, as you will all admit, and it deserved the best and most careful consideration.

The resolutions limited us; that is, we were called upon to form a plan for an international court, for the settlement of difficulties that could not be adjusted by diplomatic negotiation, between the two English-speaking nations only, England and the United States. It was apparent from the outset that this was, if not impossible, substantially impracticable. As lawyers, we saw that litigants cannot sit on juries to determine questions of fact, or even questions of law, between themselves; that humanity has not yet reached that stage of development when men who are citizens and subjects of a litigant nation can enter into consideration of a disputed question and reach a conclusion unbiased by the circumstances by which they are surrounded. It was then apparent to us that we must do something else.

What we did has been substantially set out in our report. We accompanied that report to the whole committee by a proposed memorial to the President of the United States upon the subject. In that report we went into an argument of the matter, from the standpoint of lawyers. The report and memorial were presented to the full committee; but we had exceeded the duties placed upon us, by incorporating into the plan that we presented a suggestion that there must be more than two nations interested in a court of this character, our position being that, while representatives from the nations engaged in litigation before the court might be nominal members of the court, they could be there merely as counsel and parties to the case, and would not really be competent to determine the contested question. You cannot have overlooked the fact that the plan which has been adopted in the general treaty of arbitration between Italy and the Argentine Republic has followed that idea by providing that the court shall be composed of representatives from other nations than their own. Having exceeded our authority, it became necessary, after the adoption of the report of the sub-committee by the full committee, to call the State Bar Association together in special session to consider the proposals of the committee. That special meeting was held in Albany in April, 1896. The matter was then submitted to the Bar Association in session, and by that Association the report, together with the memorial, was unanimously adopted. A committee was thereupon appointed to present the memorial and the report to the President of the United States, the President then being Grover Cleveland, who was and still is a member of the New York State Bar Association. The memorial was delivered personally to the President on the twenty-first day of April, 1896. I had the honor to be a member of that committee. The other two members are not now at the Conference, although they expected to be present. We had a long conference with Mr. Cleveland, lasting, I think, very nearly an hour, when the whole subject was carefully discussed; and we left the White House with the thorough conviction that the President of the United States was in accord with us on that subject, and that he would do his best to bring about what we had sought to secure, the inauguration of a movement by which differences between nations may be settled without resort to arms.

Soon after this the representatives of Great Britain and the United States negotiated, first the treaty respecting the Venezuela question, and then the general treaty of arbitration between the two nations, which failed of ratification in the United States Senate. I should say, however, in this connection, that Mr. Cleveland especially requested that we would leave with him a copy for Mr. Olney, that he might make use of it; and I may add also, in connection with this subject, that subsequently I had an interesting interview with Sir Julian Pauncefote, and that the subject was likewise very pleasantly received by him. At the time I became well convinced that he was in accord with us on the subject of our proposals; and it need not

seem to you at all strange that our English-speaking friends across the sea are interested equally with us in our efforts to find peaceful methods for settlement of international controversies and are virtually in substantial accord with the work undertaken by the New York State Bar Association in 1896. Subsequently I had also the pleasure of placing one of these reports and the plan for a permanent court in the hands of President McKinley and of inviting his attention to it. We also placed in the library of the State Department at Washington duplicate copies of the report and memorial, it being the custom and desire of that department to have duplicate copies of all such books and papers.

Following this work, there came the call from the Czar of the Russias for a peace conference. At the session of the New York State Bar Association in January, 1899, a resolution was adopted in approbation of this action of the Czar. It was also resolved that a committee be appointed to draft an address to the Czar and one to the President in commendation of the movement. The committee performed its work and addresses were prepared, both to the Emperor of the Russias and the President of the United States. I have copies of these addresses with me.

The committee of the Bar Association felt that it was desirable to clothe its action in presenting these addresses, as far as possible, with something of an official character. Before transmitting the Emperor's address to his ambassador to be forwarded to him, it was therefore submitted for inspection to the Secretary of State. He promptly replied that there was nothing in it that it would not be a pleasure to the Department at Washington to submit for transmission to the Czar by the hands of his ambassador. Two copies were also placed on file in the State Department, and one copy of each was sent to Mr. Andrew D. White, at The Hague. I shall be pleased to furnish a copy of these addresses to each representative in attendance at this Conference. A special edition of the addresses was prepared and a copy was sent to each representative of the nations at The Hague.

Accompanying this address is the original report of the Bar Association, made three years ago, with the memorial to the President and the plan of the Association, while also appended to it is the address of Mr. Chauncey M. Depew, which I am sure will well pay for perusal.

This brief recital gives you substantially the work that has been done by the Bar Association, except to acquaint you with the plan, which I will read. It is as follows:

First. The establishment of a permanent international tribunal to be known as "The International Court of Arbitration."

Second. Such court to be composed of nine members, one each from nine independent states or nations, such representative to be a member of the Supreme or Highest Court of the nation he shall represent, chosen by a majority vote of his associates, because of his high character as a publicist and judge and his recognized ability and irreproachable integrity. Each judge thus selected to hold office during life or the will of the court selecting him.

Third. The court thus constituted to make its own rules of procedure, to have power to fix its place of sessions, and to change the same from time to time as circumstances and the convenience of litigants may suggest, and to appoint such clerks and attendants as the court may require.

Fourth. Controverted questions arising between any two or more independent powers, whether represented in said "International Court of Arbitration" or not, at the option of said powers, to be submitted by treaty between said powers to said court, providing only that said treaty shall contain a stipulation to the effect that all parties thereto shall respect and abide by the rules and regulations of said court, and conform to whatever determination it shall make of said controversy.

Fifth. Said court to be open at all times for the filing of cases and counter cases under treaty stipulations by any nation, whether represented in the court or not, and such orderly proceedings in the interim between sessions of the court, in preparation for argument and submission of the controversy, as may seem necessary, to be taken as the rules of the court provide for and may be agreed upon between the litigants.

Sixth. Independent powers not represented in said court, but which may have become parties litigant in a controversy before it, and by treaty stipulation have agreed to submit to its adjudication, to comply with the rules of the court and to contribute such stipulated amount to its expenses as may be provided for by its rules, or determined by the court.

That is the plan of the New York State Bar Association; but it is my duty to say, in the language that has been used by the Bar Association in its address to the Emperor of the Russias, that "The Bar Association is not wedded to any specific plan for an international court. It will as gladly support any other scheme for such a court which has in it the necessary elements of utility and stability. Its one aim and purpose is to secure the universal recognition of the principle of arbitration, and the early adoption by all nations of peaceable methods for the settlement of international differences."

Some questions have been raised here as to the good faith of this gathering at The Hague. I think if you will study the conditions that exist in Europe to-day, if you will examine the financial budgets of these different nations, as some of us have done, you will not be long in arriving at the conclusions that the Czar is in earnest, and that many other nations on the European continent are equally so. Even now what the poet has sung has come to pass: there is in session to-day at The Hague that Parliament of Man about which we have heard so much, and already on the very threshold stands waiting, anxiously waiting, to enter with the new century "The Federation of the World"!

A PERMANENT COURT.

BY JUDGE ALDEN CHESTER.

The plan adopted by the New York Bar Association, while not claimed to be new in all its phases, has much merit. It marks a long step in advance. This is principally because it provides for a permanent court, composed of disinterested judges and not of arbitrators.

We have had international arbitration in successful operation for generations. During the past century a very great proportion of international differences that could not be adjusted by diplomacy have found a successful if not a satisfactory settlement by this method. But the success of arbitration has served to emphasize its defects. These were so apparent to lawyers that it is not remarkable that the Bar Association readily yielded its assent to the scheme for a permanent court.

When we have an arbitration each of the contending parties usually appoints an arbitrator, and these in turn select an umpire. The two arbitrators stand as representatives of the nation by which they are appointed, and are really associate counsel in the case and not judges. The umpire is the only person who comes to a consideration of the controversy with an unbiased or judicial mind. I know it has often been charged against judges that they frequently take sides in litigations. We had upon the bench in our state some years ago a very able but somewhat quaint judge by the name of Martin Grover. He said once on returning from one of his circuits: "I have been holding court down in——County. I tried twenty-seven cases and only got licked in two." In the case of an arbitration there are always two men upon the board who manifest that disposition. They take sides and seek to influence the result. For that reason alone I think the Bar Association has been wise in getting away from the idea of arbitration and into the other and better idea of a permanent court.

I suppose the Association was also influenced, in recommending a Permanent Tribunal, by the example and history of the Supreme Court of the United States. For ten years after the Revolution we had thirteen sovereign states, each existing under its own peculiar government, their people differing in customs, religion and language, as did the countries from which the separate colonies drew their original settlers. There was no Supreme Court. No Permanent Tribunal was provided to which the states could appeal to settle any differences arising between them. The Articles of Confederation simply provided a means for the arbitration of these differences under the direction of Congress. So far as the states were concerned, practically the same situation was presented as exists to-day with reference to the nations of the world. But the Constitutional Convention of 1787 took a great step in advance by providing in the fundamental law for a Supreme Court, charged, among other things, with jurisdiction over controversies between two or more states. The constitution containing this provision was adopted in the face of the opposition of some of the most powerful statesmen of the country. The history of the Supreme Court shows that it has moved slowly along many lines, and that there has been a gradual growth or development not only in the exercise of its jurisdiction, but in the public confidence in relation to it.

Early in its history it will be recollected that a bitter attack was made, by no less a personage than President Jefferson, upon the

opinion of Chief Justice Marshall in the leading case of *Marbury vs. Madison*, in which an Act of Congress was declared void as repugnant to the Constitution, and the attack was emphasized by the refusal of the President to obey the judgment of the court in that case. The court has also been the subject of severe criticism because of its decision in many cases involving public questions, notably the Dred Scott case, the cases with reference to the constitutionality of the Legal Tender Acts, the income tax cases, and because of the connection of some of the justices with the electoral commission which determined the election of Hayes as President over Tilden. But notwithstanding all this antagonism and criticism, the court is to-day more firmly intrenched in the public confidence than ever, and no court in the world is now more highly respected for the ability or the integrity of its members.

The example of this great court with its justices appointed for life, and removed from every influence except a desire for the proper discharge of their high duties,—a court to which any state can appeal with confidence for the adjustment of its differences with another state,—I am sure had a marked influence upon the Bar Association in proposing its scheme for an international court.

If a permanent court of the nations, or even of some of the nations of the world,—no matter how few at its inception,—should happily result from the present widespread agitation of this important subject, it will undoubtedly, like the Supreme Court at Washington, meet much of opposition and criticism at the outset by those dissatisfied by its judgments; but, like that, it will constantly grow in influence and usefulness until all self-respecting nations will not only confide international contentions to it for determination, but will yield cheerful obedience to its judgments.

THE INFLUENCE OF COMMERCE IN PROMOTING PEACE.

BY HON. WILLIAM J. COOMBS.

A desire has been expressed that I should speak again, as I did last year, of the influence of commerce in promoting peace among the nations of the world, and its probable instrumentality in the great movement in which we are engaged, the establishment of a tribunal of arbitration.

When we met here last year the signs were not very promising. Our own nation was in the midst of a deadly conflict, while European nations were quarreling over the division of the Chinese empire. But suddenly, when the skies seemed darkest, a light sprang up in the northern heavens from which as it streamed to the zenith we recognized the voice of the bear changed to the tones of the dove, speaking of peace. The Czar has challenged the world to appeal to reason and argument in place of the deadly

wager of battle. He has challenged the nations of Europe as well as our own nation. The bleak north has challenged the sunny south. The nation farthest in the rear has challenged the nations farthest in the front of civilization, they have responded, and to-day one of the most important commissions in the world's history is in session at The Hague. We cannot venture to hope that all he aimed to accomplish will come from its deliberations, but doubtless enough good will result to start the world forward in the direction of a more perfect result.

My experience as a merchant (and it has been my fortune to do business with every nation of the earth) has convinced me that commerce has done more to civilize the nations, and bring them closer together and inspire in them confidence in one another, than has been accomplished by the various organizations of government. While its operations are carried on under the nominal protection of governments, it has been "a law unto itself," and has in great part created its own machinery. Where government has interfered and attempted to override their laws by its enactments, they have either been practically ignored or swept away as by a flood.

Government can do little more than establish standards common to all; it cannot create or regulate the machinery to carry on the intricate operations of the merchant. These laws and this machinery have been of gradual evolution, dating from the time when men exchanged one commodity for another by barter, hand to hand delivery, until now, when transactions covering billions of dollars are consummated upon the faith of documents representing values or merchandise. I give an illustration. The merchant ships his goods upon a vessel bound for a foreign port, for which the captain gives him a bill of lading. The insurance company, without having seen the goods, insures them and issues its policy. With these two documents attached to his invoice the merchant sells his bill of exchange to the banker and receives the money for it. All is based upon confidence, which is seldom betrayed.

During my business life I received thousands of these bills of exchange drawn upon European bankers by men in the cities and ports of South America or Africa, or in towns up the Amazon or from back upon the slopes of the Andes, and confidently sold them in the market without misgiving of their acceptance and payment at maturity, and I cannot now recall a case in which they were not paid either by the party upon whom they were drawn or the drawer or the endorser.

The world is a great deal more honest than most people think. My experience has convinced me that honesty is the rule and dishonesty the exception. In a business reaching all over the world, not only with commercial centers, but with out of the way places, such as the mountains of South America, the colonies of Africa, and even with the deserts of Arabia, with places where it was impossible to enforce collection by law, in such a business extending through a generation, my losses from dishonesty were less than one-sixteenth of one per cent. upon the amount of the operations.

There is a great temptation for me to enlarge upon the manner in which commerce weaves together upon the warp of intelligent self-interest the various nations of the earth. You have in your mind the steamship and the sailing vessel breasting the waves of the ocean, and the railroad train dashing across the continent, but you do not remember the caravan in the desert going from oasis to oasis, or the llama train winding down the mountain trail to the seaport; yet all are shuttles binding and weaving the fabric of brotherhood.

In comparison with this advance towards brotherhood and a better understanding of one another on the part of the people of various nations, the progress made in that direction by organized governments has been slow and halting. The unwritten laws evolved by mutual necessities have proved to be more helpful than treaties and statutes. Government can never rise above the medium level of public morality. Commerce rises to the highest level and holds its votaries there.

Government does not willingly yield anything; it holds fast every prerogative; it is jealous of yielding up any of its privileges. If a new prerogative is granted by the people on the spur of necessity, it is never cancelled when that necessity has ceased to exist. For that reason I have always looked with disfavor upon those things that made it necessary to temporarily clothe government with greater powers.

Whatever is accomplished in the way of the triumph of arbitration will be reached, not by the involuntary acts of governments, but by the people forcing them to adopt the measures. We shall find that whatever agreement may be reached by the commission at The Hague will meet with more or less resistance from the organized governments when ratification is attempted. We must be prepared to bring pressure upon our legislators that they do not stand in the way of such approval. An association like ours, which has for years been considering the question in all of its bearings, can be of immense assistance in accomplishing proper results.

From what I have said you will understand that I believe strongly in the influence of commerce in knitting the peoples of the world together, and I believe no less strongly in the influence of Christianity. We must not underrate or give a second place to the benefits and the influence of the blessed religion which is to-day discredited by so many. Let us hold fast to our faith in that, while we use also all minor agencies, and we can look forward confidently to the time when the Lord shall make of all nations one people.

ECONOMIC FORCES WORKING FOR ARBITRATION.

BY JOHN CROSBY BROWN.

Is anything practical being accomplished by the conference at The Hague? I want to say frankly that I thoroughly believe, from my own experience in the past, that the results that we all hope for will

sooner or later follow from what is taking place there at the present time. I can best show my reason for this faith by a homely illustration.

A good many years ago, in my early business life, when the merchant really existed as a part of the commercial machinery of the world,—I am sorry to say he is now passing away very rapidly,—the merchants of my acquaintance were very intelligent, very tenacious of their own rights, and always “spoiling for a fight.” Each had his favorite counsel, and if one took the slightest advantage of another, or if one thought that another was taking the slightest advantage of him, counsel was at once called in, the lawyers were set to work, and there was a first-class fight. That went on for some years. It was very good for the lawyers; but somehow the merchants began to find out that little by little the lawyers’ fees were increasing and the merchants’ dividends lessening. The lawyers were getting the money and they were getting the experience. One day a bright merchant, whom I know very well, thought it time to put a stop to this sort of thing; and so there was organized in a quiet way, in the city of New York, what was called the Merchants’ Court of Arbitration. One after another the merchants who had difficulties with their neighbors, instead of calling in **their** lawyers, presented their cases before a fellow merchant, who **understood** the matter a great deal better than the lawyers, and the result was that the lawyers’ fees were lessened and the merchants’ assets were increased. The lawyers have lost nothing by this change. Instead of being the fighters of the mercantile community, they have become the peacemakers, and we hope they will continue to be such.

That is exactly what is taking place among the nations of the earth. They are now waking up to the fact that there is a small class in the community who are getting all the plunder; that is, the military and the naval men and the manufacturers of military stores are getting the assets, and the bulk of the people are bearing all the burdens. It is because the world has come to the realization that its burdens are becoming intolerable that we business men are looking forward with a good deal of confidence and hope to what is taking place at The Hague as a new way out of the present difficulty.

It seems to me most significant that this movement for arbitration, or in that direction, has come from Russia. Without in any way desiring to detract from the honor due to the Czar for the manly and splendid words of his Rescript, we can see that there have been and are to-day forces at work in that kingdom which, sooner or later, will force him or some successor to this very step. If any of this audience have followed the course of the Russian empire for the last twenty or thirty years, they have noticed some things which are very significant. A little while ago the financial world was much disturbed by a continual drain of gold from the financial centers of Europe to St. Petersburg. It was said to be “to fill up the war-chest,” and all sorts of other reasons were given; but one day the world woke up to find that the finance minister of Russia was quietly preparing

to reform and rearrange the domestic currency of Russia, and put it into such condition that Russia could take her place among the financial nations of the world and be in a position to trade internationally on fair terms; and that has now been accomplished. Then again, little by little, the Russian debt has been refunded so that the burden upon the people, as far as interest is concerned, is much less than it was some years ago; and now Russia may be said to be, not in absolutely the highest credit in Europe, but in very good credit, and she can borrow at a rate of interest which is no discredit to any nation.

Another problem is before Russia. She has her great domain east of the mountains to occupy and to civilize. For this purpose Russia needs the help of the world. Every recent utterance of the finance minister of Russia has been in favor of the removal of disabilities upon foreigners, and the attraction of foreign capital into Russia for the development of her great country. Russia, financially and commercially speaking, is at the present time in exactly the position of this country thirty years ago. She is holding out her hands inviting the capital of the world to come and help her develop her great trans-continental empire. She has wealth of land, she has material and mineral wealth; but she needs active capital to set that wealth at work and to give occupation to her people; and she knows — at any rate, the finance minister of Russia knows — that as long as the threat of war continues capital will not flow into Russia to enable her to accomplish this beneficent work.

Such are some of the reasons, on the purely economic side, which lead us business men to look for the day, not far distant we hope, when the costly method of settling international difficulties by war will be replaced by others more rational and less expensive.

THE PERIODICITY OF WAR.

BY GEN. ALFRED C. BARNES.

Little Sisters and Brothers of Peace, — I trust that you will entertain no prejudice against your present orator on account of his military title, nor on account of what my predecessor has said about military men who “are getting all the plunder.” I assure you that I am quite as harmless as any soldier can be; and indeed I may promise, in the words of Nick Bottom the weaver, that I will “roar you in a monstrous small voice.”

My testimony, such as it is, will be quite in the line of the feelings and sentiments of this meeting. As long as our Conference fails to bring in universal peace by arbitration, I suppose that somebody must be ready to attend to wars. No one deprecates war more than the soldier who serves from a sense of duty; I do not speak of those who do so from love of adventure or from hope of promotion. And under certain circumstances everyone recognizes the value of

discipline, organization and authority. As I know little about the scope or the probabilities of a Permanent Tribunal of arbitration, I have thought that you would forgive me if I spoke a little more directly to a subject in which I have always felt an interest; namely, the roots and causes of the troubles which lead to war and consequently to these efforts to suppress war.

Every student of the evils of war naturally turns the pages of his own country's history for his familiar examples. Dearly as we love our native country, there are few who are bold enough to claim that the United States is without fault. With all our privileges, and in spite of the elevated spirit that undeniably prevails among us, the original savage lurks in the hearts of men here as elsewhere. In two hundred and twenty-five years we have had ten principal wars, five during the colonial period, and five since our independence as a nation was undertaken. Our score figures, as I reckon it, about four wars to the century. In the seventeenth century there were two, the war with King Philip and King William's War; in the eighteenth century four, Queen Anne's War, King George's War, the French and Indian War, and the Revolutionary War; in the nineteenth century four, the War of 1812, the Mexican War, the Civil War and the Spanish War, the rumbling of which we still hear in the far East.

The average interval between wars has been about twenty years,—an extremely interesting periodicity, as it brings into the arena a new race of fighting young men. So it seems that for each fresh generation of our youth the temple gates of Janus have to be opened, that the furies there confined may rush forth and devastate the earth. It looks almost like the operation of a natural law. The shortest intervals have always preceded the most important wars. The most enduring peace followed the Civil War, a peace of thirty-three years; though nearly as long a period, twenty-nine years, elapsed after the Revolutionary War. This shows the period of exhaustion.

This fever in the blood, what does it mean? There seems to be a strain on the national life which must be relieved, at its culmination, by blood letting. The springtime of each third decade is the time for boiling over. Now in 1898 the American people were in that mood. As Mr. Brown said of the merchants, they were "spoiling for a fight." The occasion came in the destruction of the "Maine." Prior to that event, we had been blindly struggling among ourselves over political questions; but the war spirit never yet was quenched by a wrestling-match. A hot thirst for vengeance swept over our land, swept away many considerations of justice and mercy and prudence and ordinary economy. There was just sense enough left to cloak our crusade under the mantle of benevolence for the down-trodden people of Cuba; but the nations of the earth saw through it and did not give us credit for the disinterested motives which we claimed. It was an open diplomatic secret that Spain was not only ready but anxious to emancipate Cuba just as soon as she

could do so with dignity; she was heartily tired of her turbulent province. But we did not want Cuba, we wanted fight; and, like the big boy in the story, we crowded the little boy into the corner and took away his apple, and not only the apple in his hand, but the other apples in his pocket. The inherent savage broke through the veneering of the most civilized nation on earth. Truly we have paid dearly in lives, in treasure and in no small measure in self-respect, for that outbreak.

Yet there remains to us an opportunity to atone for some of our sins of commission by the scrupulous discharge of our duty toward those amazed peoples who have come under our jurisdiction, the new involuntary wards of our nation. The Chinese, you know, believe that any one who saves a human life must thereafter, being responsible for it, take the individual who has been rescued into his household and support him during all his days. A similar duty appears to be ours, and we approach it cheerfully. It is just to acknowledge that in the reaction from war the noblest sentiments are uppermost. Without exactly apologizing, we seek to restore the balance by good deeds. There is a glorious future opening before Cuba and Porto Rico and the Philippines. Whatever may be the pains and penalties of the conquerors, the islands of the sea may well rejoice and clap their hands. And so the white flowers are beginning to bloom on bloody fields and God has overruled the wrath of man for his own great glory.

I cannot believe that the Supreme Being *prefers* to accomplish his ends by such drastic methods. He permits evil to be done that good may come of it, and that men may learn better and higher things through bitter experience. Slowly, however, the condition of the human mind improves, and the innate savagery of every nation fades away. It does seem to me that, if it were possible through missionary effort to elevate the general condition of mankind, and thereby produce a sanitary atmosphere, then we might establish on some glorious moral plateau the great hospital of arbitration, and there deal with the individual patients. Need I add before this philanthropic audience that the health of the soul is the province of the Great Physician, and the joint labors of Christianity and civilization — mother and daughter, trained nurses both — will at last eradicate the virus which torments the blood of our race?

THE PROGRESS OF ARBITRATION.

BY HON. WILLIAM L. SCRUGGS.

Arbitration, *arbitratio*, is a word which seems to have an equivalent, more or less exact, in every written language; and the thing indicated by it is probably known, in some form or other, to all peoples, whether savage or civilized. At any rate, it is safe to assume that the principle of optional arbitration, as applied in the

settlement of personal differences, is as old as the oldest civilization ; and the probabilities are that it is very much older ; for, in the progress of society, a considerable length of time must have elapsed, after the ideas of property and exclusive rights of individuals had arisen in the minds of men, before any compulsory system of distributive justice was established. During that unsettled period there must have arisen many disputes involving the right of person and property ; and such of these as were not appealed to arms must have been settled in one of three ways. Some of them may have been terminated by mutual agreement between the parties themselves ; a larger number may have been adjusted through the intervention of friends ; but the greater portion of them were doubtless referred to the decision of some indifferent person or persons in whose superior wisdom and equity both disputants confided — that is to say, to arbitration.

The practice of arbitration or reference is therefore coeval with the earliest dawn of civilization. It was the ancestor of law courts and the harbinger of our modern jury system. Of course its exact origin is unknown ; for, like the old English common law of which it is a part, it reaches back through the traditions and mists of ages to a time quite beyond the memory of man.

In its more modern and complex form, as exemplified in the judicial systems of all civilized peoples, arbitration has been defined as “an adjudication by private persons, appointed to decide a matter or matters in controversy on a formal reference made to them for that purpose.” There are then, three cardinal points of difference between a modern tribunal of arbitration and a modern court of law.

First, the arbitrators are “private persons.” They hold no commission from the state, and represent no sovereign power. They cannot, therefore, compel attendance nor impose pains and penalties for contempt. Their authority is revokable by the will of either party at any time before the award ; and after their award is made, their functions cease by limitation. They cannot, therefore, revise their own decisions, nor can the case be re-opened except by a new agreement.

In the second place, the proceedings before a tribunal of arbitration, unlike those in a law court, are governed by rules previously agreed upon, or by the arbitrators themselves when so authorized, rather than by statutes and judicial precedents. There are no technical pleadings and no special forms. In a law court a mere technical error may indefinitely delay or even wholly defeat the ends of justice ; but in a court of arbitration the litigant may state every circumstance connected with his case without apprehension of failure through ignorance of form. Again, an action at law can seldom decide more than a single issue, and one lawsuit often becomes the fruitful source of others ; but a court of arbitration may, and generally does, decide upon all collateral issues. It may set one claim or injury against another, and pronounce such a sentence as will put an end to all disputes between the parties. It is not essential,

therefore, that an arbitrator should be a member of the legal profession. It is generally desirable that he should have some knowledge of the law, but this is not essential. His only *necessary* qualification is that he be the choice of the contending parties.

Finally, the award of an arbitral tribunal, unlike the sentence of a law court, generally has no force behind it other than a sense of honor or the fear of public opinion; or, perhaps I would better say, this was once the case, for the exceptions are so numerous that they have become the rule. They occur where the reference is had at the suggestion or by order of some court of law, in which case the award has some form of legal sanction. Even by the common law an award properly made is obligatory; and in modern practice, both in England and the United States, as also in some other countries, there are now so many indirect ways of enforcing an award that, generally speaking, it may be said to have legal sanction.

Paradoxical, then, as it may seem, there is such a thing as compulsory arbitration. It crept into the English system of jurisprudence more than three centuries ago; and by a long series of statutes, beginning under the reign of William III. and extending down to the present time, the cases that may or must be referred to arbitration have been so multiplied that their bare enumeration would be too tedious to be attempted here; in fact, all cases are now referable save only such as arise out of the administration of the criminal law, or out of agreements and transactions against public policy; and even in some of these, where there is a remedy by civil action as well as by indictment, a reference of the matter in dispute, and the award made upon it, have been sustained by the courts.

The same general principle permeates our American jurisprudence. The old English common law, and the principle of arbitration as part of that law, prevailed in each of the original thirteen colonies; and it prevails still where it has not been repealed by statute; and even by statutory provision in some of them, as for instance in Pennsylvania as early as 1705, compulsory arbitration was extended to a class of cases hitherto unknown to the laws England. By the present civil code of each of the forty-five States of our Federal Union, with possibly two or three exceptions, every matter of controversy, whether in suit or otherwise, may be referred to arbitration; and in some of them, as in Pennsylvania, arbitration is compulsory when either party elects that method of adjudication.

By the Revised Statutes of the United States, all civil controversies are referable to arbitration; and in pagan and Mohammedan countries, where, by treaty stipulations, our ministers and consuls exercise judicial functions, that method of settling private disputes is often compulsory.

With such a record behind it, the marvel is, not that the principle of arbitration should have been applied to international disputes, but that this application should have been so long delayed. It would seem that, as a logical sequence, international arbitration should have come into vogue with the birth of international law itself;

and yet only about one hundred and sixteen years ago, when it was first proposed as a substitute for war, the idea was ridiculed ; it was thought to be impracticable. Nevertheless, from that time forth, now steadily and surely has been the trend of events in that direction ! If Robert R. Livingston, of this state, were now living, he would probably be surprised at the rapidity with which his prediction, made to General Lafayette in 1783, is being fulfilled.

When two governments disagree either as to the validity or the amount of a claim by one against the other, the natural and appropriate remedy is now generally acknowledged to be arbitration by a mixed commission or by an umpire ; and where there are reciprocal claims and set-offs, it is now an established rule in the practice of nations to refer the whole to an arbitral commission. Even that class of international disputes which relate to boundaries, to the interpretation of treaties, to title by prescription, and to other issues involving the most delicate and intricate questions of public law, are now referred to a joint commission of jurists.

All this has come about within the past few years. At the opening of the present century there had not been a single case of international arbitration worthy of the name. Since then there have been about one hundred and twenty, and to more than half these the United States has been a party ; the Latin-American States have been parties to about twenty-seven ; and Great Britain, as the leader of the movement in Europe, has been a party to about thirty-two.

The Pan-American conference of 1890 recommended that arbitration be adopted as "a principle of American public law," and made compulsory in all cases except in controversies involving national independence. Seven years later the proposition was advanced, by the two great English-speaking nations of the world, to establish a permanent international court of arbitration, to which should be referred all disputes not involving national honor and independence ; and when this proposition was embodied in a public treaty between the United States and Great Britain, it failed of ratification by our Senate only because, having been hastily and unskilfully drawn, it was thought to be crude and defective in form. The principle itself was not rejected at all ; it was not even seriously controverted.

Twenty-four independent nations, including the United States and the five great powers of Europe, are at this moment officially represented in a peace congress at The Hague. It was called at the instance of one of the most aggressive and warlike powers of the world ; and the subject of its deliberations is disarmament and the substitution of arbitration for war. To this end, the congress is already committed to the project of a Permanent International Tribunal, to which may be referred for final adjudication all differences not adjustable by ordinary diplomatic methods.

But how shall such a tribunal be established, and how shall its decisions be enforced ? The "how" is recognized as the most difficult side of the problem ; and many good men have considered it insolvable. I do not share that opinion. It was once thought

practically impossible to establish a constitution of government that would harmoniously combine the cherished principle of local sovereignty with national solidarity; and the idea of a permanent interstate tribunal with jurisdiction in all disputes between citizens of different states, between the states themselves, and between the state and national governments, was thought to be visionary and impracticable. Some of our greatest statesmen adhered to this view as late as 1785; yet, within less than a dozen years thereafter, the thing was successfully accomplished; and although in the exercise of its constitutional functions, the great interstate tribunal has repeatedly set aside legislative enactments, state and federal, its decisions have been uniformly respected.

A Permanent International Tribunal of arbitration would be indeed something of a novelty. It would certainly mark a new era in the history of civilization; and yet, when we come to think about it, it would be little more than a legitimate sequence of recent experiences, and the whole trend of events during the past fifty years has been in that direction. Such a tribunal could be established by treaty between two or more leading powers. It could be given exclusive jurisdiction in all disputes between those powers; and its decisions would be quite as binding as are the most solemn treaty obligations on other subjects. If a sense of honor, public convenience, and a wholesome dread of enlightened public opinion constitute, as they do, a sufficient guarantee of good faith in the one case, they could hardly fail to be a sufficient sanction in the other. At any rate, the advanced sentiment of the civilized world is now demanding the experiment; and this fact alone is a guarantee that an honest experiment would not be made in vain.

THE CHRISTIAN OUTLOOK.

BY REV. GEORGE DANA BOARDMAN, D. D.

I have been deeply interested in what my legal friends have been saying, and I could have sat all day to listen to their friendly legal counsel. I am glad that the matter has fallen into their hands; in a very special sense it belongs to them. But allow me to suggest that the ideas primarily came from my profession.

I believe in optimism through and through. The pessimist has never lifted a finger for the transfiguration of mankind. Whatever of genuine abiding work has been done has been done by the optimists. I am going to read to you the Christian outlook for the twentieth century as it appears to me. It was written in the darkest hour of last year's history, when I wanted to cheer my own sorrowing soul:

“The Christian outlook for the twentieth century seems to me very bright. Of course, there will be occasional retrogrades, and it may be grave catastrophes; for it is in the very nature of life to be

subject to crises. Nevertheless, I feel sure that the general trend of the next century will be onward and upward; and this because I feel sure that the Lord of the centuries has not lived and died and risen in vain. Accordingly, I believe that the spirit of Jesus Christ will be the dominant force in the coming century. I believe, for instance, that his Mountain Sermon will become more and more the supreme constitution of mankind; that as the church understands more and more his mission and character and teachings and work, her conceptions of God will be more and more heightened, and her conceptions of man will be more and more broadened; that the instincts of animalism will be lost in the sense of divine sonship; that agnosticism will melt in the heat of personal Christian experiences; that anarchy against man will flee before loyalty to God; that the kingdom of God will be less in word and more in power; that sectarianism will be swallowed in catholicity; that ecclesiasticism will wane and Christianity will wax; that character rather than opinion will be the test of orthodoxy; that Church and State will dissolve partnership; that church and academy will join hands in glad bridal — the church acknowledging the Bible of Nature and the academy acknowledging the Bible of Scripture; the standard of ethics — personal, domestic, social, educational, commercial, national, international, Christian — will grow higher and higher; that heredity will gain Christian momentum; that environment will undergo transfiguration; that the sense of individual responsibility, and also of corporate community, will alike deepen; that society will agree that chastity shall be as binding on man as on woman; that life-imprisonment will supplant death penalty; that legislation, whether mandatory or prohibitory, will make way for intelligent and cheerful self-regimen; that office will soar from ambition into service; that wealth and work, instead of quarreling, will cooperate; that culture will become more conscious of accountability to God and to man; that society will tend toward equilibrium of forces and of functions; that egotistic insularity will be merged into altruistic terrestrialism; that the Jew will regain the blessings promised in Abraham; that all international disputes will be referred to a supreme international court; that Christendom will disarm; that the whole world will become one neighborhood; that human units will grow into human unity — men into Man; that the Golden Rule will become more and more the law of society; that faith, hope, love will be acknowledged the human trinity, — in brief, that the twentieth century will be in very truth a century of Christocracy.

Let, then, the pessimist take Good Friday as the symbol of his perpetual threnody: we optimists will take Easter Sunday as the symbol of our perpetual jubilate.”

A LOOK BACKWARD AND FORWARD.

BY HON. WM. N. ASHMAN.

I am disposed, like Dr. Boardman, to look at this question from the standpoint which is appropriate to the opening of the twentieth century, rather than by the standard which would have been appropriate to the opening of the nineteenth century. Suppose a man living even in 1830, when our century had progressed thirty years, had been told that in this year 1899 he would be able to sit in his office in the city of New York and talk with his friend in Chicago, eight hundred miles distant, with the same ease with which he might talk with him in his own parlor; suppose he had been told that in this year he would pick up his paper in the morning and read an authentic account of events which had taken place that *afternoon* in another hemisphere; suppose he had been told that in this year 1899 slavery, which was then hallowed by tradition and protected by the constitution, would be a dead and almost forgotten thing; suppose he had been told that imprisonment for debt, which was then a recognized remedy, would be equally dead; suppose he had been told that grand organizations like the Young Men's Christian Association and the Societies of Christian Endeavor, every one of which has come into existence since the year 1830, and which collectively own millions of property invested in some of the grandest buildings in the country, would vie with the church in the spread of the truths of Christianity, — would he not have said that the millennium must have appeared before these things could have been possible? Yet what were miracles to him are to us commonplaces. I propose, therefore, to look at the question before us from the standpoint of this year, and not of a century ago.

There are great difficulties in the matter of the establishment, and still more in the continuance and practice and procedure, of an international court. Yet this curious thing is to be remembered, that the most adverse and apparently contradictory elements are working, perhaps unconsciously, towards the establishment of such a tribunal. Thus commerce, which is intensely selfish, is in favor of the project, because the law and its ministers are the bulwark of trade. Thus religion, which is itself the oracle of peace, speaks out in no uncertain terms in behalf of the world's tribunal of peace. Science is preparing instruments of destruction so deadly in their operation that the weakest nation is to be put on an equality with the strongest. And again, the common sense of mankind says to-day, as it seems never to have said before, that what is adequate and right for individuals in the settlement of differences must be adequate and right for nations.

Yet in spite of these auspicious omens, it is not easy to exaggerate the magnitude of the obstacles which lie in the way of realizing our ideal. There are racial differences, differences of language, social

differences, and influences arising from tradition, from history, and from national pride, all of which must operate against the progress of an international scheme such as we are proposing. How, for example, can the Anglo-Saxon and the Latin reconcile the traditions of their races so as to stand on a common platform? Would we submit our interpretation of the Monroe doctrine to a court the majority of whose members should dispute the validity of the doctrine altogether? But this is the answer to all these doubts: that at this very moment representatives of all these differences are actually seeking to reconcile them by meeting in a peaceful congress at The Hague.

Before this great international court there may come a question, compulsorily or by agreement. Let it be a question between Spain and the United States. A United States war vessel happens to be anchored in the harbor of Cadiz, and on an unfortunate night it is blown up and some two hundred and fifty sailors are killed. The case is made up and sent to the international court. First of all, that court decides the facts of the case from competent testimony. It submits its report, saying that the ship was destroyed by a Spaniard who was in no sense a representative of the government and who was not acting under its orders. But it also finds that the Spanish government had laid mines in that harbor, and was so careless in their management that a wandering wretch was able to direct the electric spark to its work of destruction. Thereupon, it adjudges that for this act of negligence Spain owes a penalty of five millions of dollars to the United States. Suppose Spain refuses to pay? Then the decree will direct the Secretary of the Treasury of the United States to collect from the property of Spanish citizens in the United States, or from Spanish ships coming into our ports, the sum of five million dollars, and hold that sum in payment of the debt. How long would Spain oppose the decree if the United States had its hand upon her commerce?

MR. EDMUNDS: The illustration which Judge Ashman used is precisely analogous to the conduct of Great Britain in permitting the fitting out of the Alabama in one of her ports. Her citizens did it without her knowledge, and against a general prohibition. She said she had exerted all the power she had to find out such things and stop them. But the court of arbitration at Geneva held that she had been negligent in not exerting greater diligence in preventing precisely that sort of thing, and required her to pay. In a case such as was supposed, of an award justly made, Spain would obey, Russia would obey, Austria would obey. Every nation will obey the decision of a court of arbitration, as, with one exception, they always have.

So much has been said with reference to the Czar's Rescript that I think it is due to this Conference to read from your proceedings of June 1st last, where it appears that Mr. Francis Forbes of New York presented this resolution, which was referred to the Business Committee:

Whereas, It is the desire of the Conference that the principle of arbitration, or trial of differences between nations and their citizens, should be embodied in a form which shall at once embrace the largest number of possible subjects;

It is resolved that the United States government be asked to take the initiative in calling an international conference of the nations to frame a convention for the international arbitration or trial of differences between the nations and their citizens.

This was two months and more before the Czar had issued his invitation for the same thing. Why our government did not act upon this matter I have, under our rules, no right to speculate.

The following gentlemen were appointed a Committee on Finance to assist the Treasurer in securing funds : Mr. Edwin Ginn of Boston ; Mr. E. F. Browning of New York City ; and Mr. Alexander C. Wood of Philadelphia.

The Conference then adjourned to 8 o'clock.

Fourth Session.

Thursday Evening, June 1, 1899.

THE Conference was called to order by the President, at 8 o'clock.

Mr. Wheeler, for the Business Committee, presented the following resolution, as a message from this Conference to the conference at The Hague:

Resolved, That the fifth annual Conference of American citizens for the promotion of International Arbitration, now sitting at Mohonk Lake, New York, hereby respectfully presents to the representatives of the United States in the International Conference at The Hague its congratulations upon the progress reported to have been made already in the interest of international peace, and its fervent hope that their efforts, with those of their associates, for the attainment of these ends, may result in such measures as will secure a permanent advance in the peaceful history of nations, and crown the close of the century with an enduring monument of peace and goodwill among men; and this Conference respectfully expresses the hope that the deliberations at The Hague may result in the establishment of a permanent court for the adjudication of international controversies.

Ordered, That a copy of the foregoing be transmitted to the Honorables the United States Commissioners to the International Conference at The Hague, and that the secretary transmit to said Commissioners a copy of the resolutions to be adopted by this Conference.

The resolution was unanimously adopted; and no objection being made to the order following the resolution, it was so ordered.

Mr. Smiley moved that the Business Committee be instructed to prepare a short telegraphic message, to be sent in addition to the resolution adopted. It was so voted.

The remainder of the evening was devoted to addresses by Rev. Reuen Thomas of Brookline, Mass.; Hon. Samuel B. Capen of Boston; Hon. Edward Atkinson of Boston; Prof. John B. Clark of Columbia University; Rev. Philip S. Moxom of Springfield, Mass.; and Rev. Lyman Abbott, D. D., of New York City. These addresses are given below.

DIFFICULTIES IN THE WAY OF ARBITRATION.

BY DR. REUEN THOMAS.

I owe a great deal of my love for peace societies to the experiences which I had for some years in London, in attending the meetings of one of the most remarkable peace societies I ever came in contact

with. This society consisted of members of the Society of Friends, — a communion which in England has had a remarkable influence, not because of its numbers, but because from the beginning it has always been consistent with itself. I have very lively recollections of the peace and purity that used to beam from the countenances of the men of that Society, and the faces of the women struck me as being peculiarly attractive. I used to seize every opportunity for going into that atmosphere of sincerity and goodwill. When I heard their arguments, I wondered how it was that I had never found in the New Testament what they had found there, that those who were the disciples of the Prince of Peace ought to be, under all circumstances, on the side of peace on earth and goodwill toward men.

Perhaps you will say that this is not on the subject that was assigned to me. There were no difficulties in that meeting; there seldom are insuperable difficulties in the way of doing a thing when you want to do it. There are always difficulties when you do not want to. And in this meeting of ours there are no difficulties. If we had to settle this question of arbitration between nations, we should settle it right, perhaps by a unanimous vote. But there are difficulties in the world, and they are very real. When Dr. Bradford referred to the fact that some of us were incurably optimistic and did not recognize the difficulties in the way, my mind went back to that treaty between Great Britain and the United States. I knew perfectly well at the time that the English people were sincere: they meant entirely and altogether what the treaty said. I knew from much experience that there was no kind of difficulty with regard to the promulgation and enactment of that treaty on the other side of the Atlantic. But the difficulties very soon began to appear here, and the treaty was regarded with great suspicion; indeed, in my judgment, it was not treated at all handsomely. From what I have heard since coming to this meeting of the excellent work done by Secretary Hay, it seems to me that the Americans are about to atone for the way in which that treaty was received. It may not have been the best possible treaty — I do not think it was as good as that between Italy and the Argentine Republic, — but we ought to support to the utmost of our ability men in high office who are trying to do their best.

In regard to questions which require intelligence and a high moral sense, the majority are seldom right. The minority has to direct and instruct the majority. Our Lord himself was always in a minority. And those of us who have found ourselves in the minority have usually been in excellent company. We ought not to consider ourselves failures because on great questions, which require thought and a high moral standard, we have found ourselves defeated. It was Robert Browning who first taught me that it was a great deal better to try a noble thing and fail than not to try at all. When we have a high and noble purpose and believe in it, it is at our peril that we fall away from that high belief. We must keep pegging away until our ideas become commonplace, until the people are so thoroughly acquainted with them that they do not seem strange. When they become

commonplace, all the commonplace people take to them. Those who have to influence and instruct others must always be above and in advance of them, and that position is often uncomfortable. So the climb to the top of one of these hills may be uncomfortable, but the best and purest air is there. And the best and purest life is with the minority, especially with those who are seeking, in difficulty and trial, to put into practical operation the principles that have been taught us by our Lord and Saviour Jesus Christ.

One of the first and most unaccountable difficulties arises from the fact that the Christian church is only half Christianized. We take to ourselves the sacred name of Christ; but if we are not representing the true principles of the Kingdom of Christ, while we take his name upon our lips, then we are it seems to me in a most dangerous position. The first thing we have to do, before there can be any grand and glorious success, is to Christianize the church, to remember that the Sermon on the Mount was given to those to whom the Lord said: "Ye are the light of the world. Ye are the salt of the earth." Light is not noisy. We move in the midst of it. It creates all the beauty and fertility round about us, but it is so noiseless that we think little of it. If there arises a tornado and sweeps across our path, we connect that with the idea of mightiness. Yet the light is far more powerful than the tornado. So if we are children of light we must act as the light acts. We must diffuse influence and create character. When the Christian church rises to the height of its own name and its glorious privilege, one of the greatest difficulties in the way of doing these noble things, which some people call Utopian, will be removed.

Another great difficulty is in the present condition of the public press. Everybody reads newspapers. Many people read too many; many people read the wrong papers; but happily there are some that are good. The difficulties that are caused by the demoralization of the press in this country, in England, and in France, are tremendous. You have only to look at some of our papers to know that the democracy is being demoralized by them.

The last difficulty, it seems to me, with which we have to contend is national pride. If we were to refer this whole matter to a vote of the whole population of this country *to-day*, I am very much afraid the vote would be against arbitration. I fear it for several reasons. I cannot give those reasons now, because at the beginning of this Conference we were confined, very properly, to the subject which has brought us together.

Let us be sure, Christian friends, that sooner or later that which is right is going to prevail. The Emperor of Russia has called the attention of the world *to-day* to this matter of peace, and all that has been said of that Emperor is perfectly justified. We must remember that he is descended from three men, all of whom were ardent for peace. His father used to instruct his children in the principles and practice of peace. He had been in one campaign, and had come out of it so disgusted with war that he constantly

taught his children to promote peace among the nations. His grandfather again was a man of a similar habit of mind. His great-grandfather's brother, Alexander I., was an ardent advocate of peace, as you will find if you turn to the memoirs of Stephen Grellett; consulting often with that distinguished Friend with regard to the method in which peace could be promoted in the world. If heredity and education have any influence, these facts ought to encourage us all and make us thankful that that distinguished assembly, such an assembly as has never gathered in the history of the world, is to-day engaged in its noble and glorious work at The Hague. If we really believe in prayer to God; if we believe that God himself is directing the minds and hearts of his children, ought we not in our most devout moments to remember this great conference? I trust that the result of those deliberations will be that what Dr. Hale has contended for so earnestly and so long may be accomplished, and that we shall have, for Europe and eventually for the world, at no distant future a Permanent Tribunal, to which all difficulties between nations can be referred.

THE IMPORTANCE OF PUBLIC OPINION.

BY SAMUEL B. CAPEN.

One of the glories of Mohonk is this, that while it keeps its eye on the highest ideal, it always keeps its feet on the ground, and tries to do what is possible and practical. Some of us, I hope all of us, are asking by this time what we can do as individuals to help toward a Permanent Tribunal which shall mean universal peace for the nations. There is nothing for us to do on the legal side. Thanks to the jurists of this country, especially to the New York Bar Association, a plan has been formulated which, if we may believe report, has been substantially approved by our government, and is before the conference at The Hague to be worked out into a definite plan. We have no duty there. What is our duty then?

It is what Dr. Bradford pointed out to us yesterday, — to try to make public opinion in this country, so that when the treaty is made and sent back to America for ratification, it shall not be rejected again, but shall be accepted by the people. What we need to contend against is apathy and indifference. Dr. Hale gave me yesterday an illustration, when he said he had met at a dinner party recently six or eight prominent men and that he found they had no more interest in this subject than they would have had in a conference to discuss aniline dyes! We must help to make public opinion in this country; for public opinion is master here.

There is one thing that we ought to press most earnestly: we ought to try to check the delusion which is rife among us that it is necessary every few years to have a war in a country, in order to create heroism; that our young men will lose their virility unless

there is some contest. We all rejoice in the heroism of Admiral Dewey and Captain Philip and a hundred others. But is it not time to emphasize the fact that it is just as great to sacrifice to save as to destroy, and that the noblest heroism is not necessarily exhibited upon the field of battle in the sight of others, but may be shown in a more quiet way? Such heroes are being made every day. We have had on the New England coast this last winter fearful storms: have you read the glorious work that the life-saving men have done? They needed no war to teach them heroism. Did you read of the tragic fire in the Windsor Hotel? Those firemen going up ladders, walking along cornices, reaching into windows to take out helpless women, and working themselves back, no one knows how, to the ladder,—do those men need war to teach them heroism? I venture to say that Herbert Welsh, contending against the iniquities of the “Indian ring” or Clinton Rogers Woodruff fighting political corruption, is just as much a hero as a man on the battle field; and that Theodore Roosevelt, when he stood at the head of the police commission and contended for righteousness and law, was doing just as much for humanity as when he led the Rough Riders at San Juan. This is where we can all help to create public opinion; we can teach that there are glorious deeds to be done along the line of peace, and that, if we can secure universal peace through universal arbitration and a permanent court of the nations, then our young men can be turned from thoughts of war to the great questions that are waiting to be solved. The words of Whittier are true :

“Peace hath higher tests for manhood than ever battle knew.”

And I would appeal to the Christian men and women of this Conference on another line. The man who reads history without trying to find out what God means by it has left out the key. Allusion has been made to the circumstances under which we met two years ago, under the cloud of the failure of the ratification of the treaty. But no allusion has been made to the effect of that event in England. I reread lately an article written two years ago on the “Bitterness of England”; the words used by the press were words of execration. The *London Times* said: “A blow has been struck at the principle of arbitration and the confidence of the world in the American people.” That was two years ago: where are we now? In the providence of God England and America are side by side, shoulder to shoulder, as never before, and our commissioners are working together for a court of arbitration such as we discussed here three years ago. And not only this, but Russia,—Russia whom we feared so much,—has through her Czar been the nation to propose the conference, and England and America and Russia together are trying to formulate a plan for universal peace. Can any one say that this is not the finger of God? Is there any other explanation of this wonderful result? Now if we can feel this, ought not every Christian heart to be filled with enthusiasm, believing

that we are working along the line that God has marked out for us, and that that which God has put his hand to will certainly be completed?

Two years ago Dr. Moxom in this room offered a resolution just along the line on which I am speaking to-night. It suggested that our duty is to make public opinion, and urged that something should be done to interest the young people of this country in this subject. That resolution was referred to the committee on resolutions, and it was not possible to put it into the platform, in the form in which it had been drawn. But I promised, as chairman of the committee, to see Dr. Clark, the president of the Christian Endeavor Society, and present to him the wish of this Conference that he might become interested in this movement. I met with the most gracious reception. I do not know that any word I said had anything to do with the shaping of the society's policy; but this we do know, that on the 15th of last March Dr. Clark and those associated with him wrote a letter to the Christian Endeavorers of the world, asking these young people, — international, inter-denominational, inter-racial, representing two and a half millions in this country and a million in other countries, — that they should take hold and work in this movement. He definitely asked young people in this country to sign petitions that shall go to Congress. That is one of the hopeful signs of the times. That is the way public opinion is being made and can be made. I submit that it is time for all of us to be at work. We are not to let a few Boston people, and a few more in Philadelphia and Baltimore, do this work. Let us all take hold and not stand around the edges criticizing the work of others. Each of us can have influence and power over his own circle if he will, and can help push this movement to a triumphant close. It was said by the *Pall Mall Gazette* two years ago: "The old treaty, as amended, was not worth saving; but the principle, like John Brown's soul, goes marching on." It is for every one of us, the rank and file of this Conference, to help quicken the pace.

THE INFLUENCE OF COMMERCE IN PROMOTING ARBITRATION.

BY HON. EDWARD ATKINSON.

In the few remarks which I made the other day I referred to that wonderful essay of Immanuel Kant, predicating "Eternal Peace" upon the dominant forces of commerce, by which war should be finally suppressed. We men of affairs are more accustomed to be instructed by the clergy and by the bar than to attempt to enlighten them; but it is worth while now and then for the business man to assert his position. Without his support neither clergy nor bar could have any existence.

In Sir Henry Main's "Ancient Law" there is one remark of profound significance. He speaks of the modern conception of credit and exchange, the change from status to contract, and he says: "The trust reposed in and deserved by the many creates the opportunity for the fraud of the few." It is the function of the man of affairs, the merchant, and the manufacturer, to feed the hungry, to clothe the naked, and to house the homeless; that is the necessary work of our lives. The transactions of to-day, which were necessary in order that you and I and the other people of this country might have their breakfast and dinner and supper, a few bits of cloth on our backs and some boards over our heads, came to over one hundred million dollars. For this day only there were one hundred million dollars' worth of food, fuel, shelter and clothing confided to the trust reposed in and deserved by the many, creating only the opportunity for the fraud of the few. If the strongest guarantee company in the world should offer to guarantee the prompt payment of every one of those obligations upon maturity, the men who conducted them could not afford to pay twenty-five cents on a hundred dollars. It is not worth a quarter of one per cent to secure a guarantee of such credit. If that does not illustrate the character and the standing of the merchant and the manufacturer and the function of the men of affairs, I am not able to illustrate it.

If it is a work of beneficence,—this exchange of product for product and service for service, which forms the function of the men of business, then let us see what influence commerce must have upon arbitration. What is the economic side of this question? I told you that on my visit to Russia, two years ago, all my ideas were overturned. I saw there only what has been obscured until very lately. The industrial forces have come to the front. Russia is to be looked to hereafter not as a great military power, but as one of the great industrial forces of the world. It is on that line of development that arbitration, or the cessation of military rule, has become a necessity. The men who lead Russia, of whom the Czar is the spokesman, have reached that conclusion. That is the important event: it is not the autocrat alone, it is the finance minister, De Witte, and the powers behind the Czar,—it is the government of Russia, that has reached this conclusion; therefore the Czar can speak his wish and his thought.

I began many years ago to study comparative nutrition and comparative taxation. The forces of a nation depend upon its being well fed; and its being well fed depends upon the intelligence and integrity of its merchants and its freedom from destructive taxation induced by that constant preparation for war which is more destructive than war itself. The national taxation of this country has been for twenty years only five dollars a head; when that is assessed upon our product it is a small fraction. All that we do is to distribute the product. The annual product is the source of our wages, our profits and our taxes. If capital is not safe, the charge for its use must be large; if taxes are heavy, wages must be small. Wages are the

derivative or consequent left over after the necessary increment of taxation and profit that shall induce the continuance of the work have been set apart: they are a consequent, not an antecedent. Great Britain, the lightest taxed nation in Europe, pays ten dollars a head, of national taxation, and is now, under the influence of expansion and militarism, about to pay thirteen dollars a head. France pays fifteen to eighteen dollars; Germany over ten dollars; and poor Italy is so taxed, up to a third of her product, that there are a hundred thousand people by the census to-day diseased under the curse of the *pellagra*, a hunger disease, induced by lack of proper food.

Under these conditions, with the increased taxes taking from those in need a part of their insufficient nutrition and clothing and shelter, there can be but one necessary end. The military system must end. The forces of commerce doom the military caste and they know it. You will observe that in this influence our country has been exerting a supreme power. There have been efforts made by the military governments of Europe to make alliances to shut out the competition of this country, in order to save themselves, under the mistaken idea that in commerce what one nation makes another loses. They have now seen that to meet the industrial power of liberty they must disarm; and yet it seems as impossible to disarm as it is to sustain longer the burden of armaments. Whether the change should come by a great cataclysm, or whether it should come, as now we hope it is coming, through the action of the governments, has long been an open question. The conditions which make arbitration possible or necessary have been written in the figures of commerce, in the statistics, in the national accounts of the peoples, these many, many years. The students of affairs, the finance ministers, the men by whom government is really conducted,—for it all comes back to the power of payment at last,—have long been coming to these conclusions.

Therefore we find in commerce, a pursuit despised and often referred to as merely selfish, the highest function and the most beneficent service that can be rendered to mankind. Our advantage has been in our national taxation. Through making goods at the lowest cost for high wages, we had become capable of supplying the world with the necessaries and comforts of life, in spite of the efforts of other nations to retard commerce by hostile tariffs and in spite of the obstructions of our own tariffs to the import of their goods.

That false idea that in commerce what one nation gains another must lose, has been the cause of our chief wars ever since the time of Cromwell. The colonial system of Great Britain, lasting for two hundred and fifty years after the time of Cromwell, was based wholly on that false idea that colonies must be held in order to serve the mother country, without any regard to their own conditions, a delusion which in England only gave way fifty years ago. Had Adam Smith written the "Wealth of Nations" fifty years earlier, the ideas that led to the War of the Revolution would not have prevailed, and there would have been no forcible separation of the American

colonies, for that again was a commercial struggle. The wars of Napoleon were commercial struggles; — the Berlin and Milan decrees, the effort to break down the commerce of England, the effort to thrive by the losses of others. But that delusion has gone by. Under the lead of Huskisson, Peel, Bright, Cobden and Gladstone, English thought has run far in advance of our own. We are now coming up rapidly to the level of the English thought in regard to commerce. Gladstone put it in noble words: “That ships that pass between this land and that, like the shuttle of the loom, weave the web of concord among nations.”

It has been that false idea of the nature of commerce that has brought on nearly all the wars of the last two hundred years, ever since wars under the name of religion came to an end. What was the Civil War? The war of a bad system of labor against a true system of labor; there was an economic question behind it all. When John C. Calhoun’s grandson told me one day of his success in raising cotton and the thrift and energy of his negro cultivators, I said to him: “What would your grandfather have said to this?” And he answered: “If my grandfather had known as much about the negro as I know, there would have been no slavery and no war.” Ignorance of the functions of the merchant, ignorance of the beneficence of commerce, has been the prime cause of wars for more than two centuries.

If you would witness the evils of militarism, go to Russia, go to Germany. On the great church which has been built on the spot where the Czar was assassinated, you will see, instead of the scaffold which we put up on our buildings, and which is mounted by ladders, a platform, winding round and round, at an easy grade, from the street to the top of the building. You will see similar platforms in Austria and in Germany. What is it for? In order to enable the women who mix the mortar to carry the loads of mortar and bricks up the long platform, where the men at the top — the few who are not in the army, — may lay the bricks in the wall. Consider the effect of militarism on the condition of women. See the woman in the field harnessed with a cow, and a man standing by in military garb, or after his service is ended, resting content that the women should do the work. See women doing the scavenger work of the streets. And where are the men? Wasting their time in camp and barrack in this constant preparation for war, which not only puts a soldier on the back of every man, but on the back of every woman in the land. There you will see the reason why the women of this land should counter this outburst of militarism which has swept like a curse over this land, and why they should denounce military glory as a false glory.

We admit all the necessities, we admit all the credit due to every man who in war serves for the defence and honor of the nation; but let us beware how we go one step beyond, and let us not encourage a military caste or breed up a military spirit. The time is coming, with the spread of the common school, in England, in Germany, and

everywhere, when the soldier will be permitted to think ; and then will come a revolution corresponding to that greatest of all economic events, the introduction of gunpowder, when the common man was made equal in power to the man clad in armor. There is coming a time when dynamite will displace gunpowder,—the dynamite of common education. When a soldier is permitted to think, and instructed to think, the military caste will be subjected to the dominion of liberty, freedom and human right. The domination of military thought and the application of military force will then be assigned to its right place, which is the defence of liberty and not the subjugation and oppression of peoples.

PEACE AS ASSURED BY ECONOMICS.

BY JOHN B. CLARK, LL. D.

The condition in which I rejoice most in my limitations is when I have to make a speech under a fifteen-minute rule. The condition in which I rejoice most in a certain freedom from limitations is when, having to make any kind of speech, I reflect that I am by occupation a professor of pure theory, and have not to concern myself in the same intimate way with facts that other more responsible persons have to do.

Yet in a certain way theory makes itself responsible on the side of facts ; for it speaks of tendencies, and tendencies mean facts of the future ; and if you wait for the future to come, you can bring theories to account. Some of the tendencies of which I have undertaken to speak move with the slowness which is imputed to the mills of the gods, and the person who should try to bring those theories to account would have to wait a long and tedious time. They remind one of the tendencies to constitutional freedom in Russia, of which Stepniak used to be fond of saying: "It is perfectly safe to prophesy, — only you must not set the date."

There are some things which we can prophesy with absolute confidence, without setting dates. There are other things that we can prophesy with reasonable confidence, setting a date which is not too remote ; and still others that we can prophesy with some confidence in the near future.

There are three very distinct types of movement now in progress, all three of which afford guarantees of peace between the nations. The three together constitute only a certain part of that very comprehensive thing that we call economic evolution,—which means, in the end, the culmination of everything that the finest optimism ever sees in the future for mankind. I thoroughly believe that it is in the realm of economic law that we are to find the method whereby humanity is to perfect itself and the hope of the future is to be realized upon earth. The finest optimism needs to find a scientific basis for its confidence, and will find it easily, if it comprehends certain things that are written in economic law. Only a very small

part of that grand culmination is involved in the mere establishment of a tribunal between nations. We are struggling for a great end. We were discouraged about it some years ago, and we are greatly encouraged now. It is an end the importance of which it is not possible to measure in language; yet it is only a part of a much greater one. We are trying to put one broad, shapely stone, — but one stone only, — into a beautiful edifice, the completion of which is assured by the forces I refer to. The establishment of tribunals that shall guarantee peace on earth is the beginning of a long development.

In the times when it has been my pleasure to address this Conference before, I have tried to sketch some of the things that a theoretical economist can see in the future for mankind, in consequence of the particular forces with which it is his province to deal. Competition means much: it means a limitless progress in the direction of wealth; it means rising wages; and rising wages do not mean altogether sordid gains for the laboring class, but a steadily rising level of the life of humanity. There are moral survivals as well as material ones to be counted on; for character is to survive as well as wealth, and that in ways that I tried then to describe. I want just now to speak of something more limited and modest in scope, a part only of the general movement, and leading to a consummation which is a modest part of the whole.

We have heard very instructive things said upon the influence of commerce. It is impossible adequately to describe the importance of that influence. I consider that the commerce which is opening before the world is the first of three great influences, the culmination of which means the extension to the great inert, outlying sections of the world, of the benefits of civilization. It is the assimilating to that which is highest in humanity of that which has been left out in the competitive race. It is the extension to Asia, to Africa, to South America and elsewhere, of the mode of living which prevails where civilization has done its best. Commerce is the beginning of it. With the quick establishment of lines of communication it is easy to exchange goods; and that means much. It means the creation of ties which are of the utmost importance, and tend to bind men together. They tend to make war easy, one would think; for they tend to afford a myriad provocations to war. On the other hand, they tend to make the damages created by war so much in excess of any gains which are possible as, in time, to make war practically unknown.

But commerce is only the beginning. We are to see in the outlying regions of the earth, with which we are now coming into close connection, an assimilation to our own methods of life. We are to see Asia produce things as we produce them. Asia will have its mills. The Asiatic is imitative, and assimilative; and he will use machinery as we use it, and will become the competitor of ourselves in the producing and exporting of goods. Enormous changes will take place

in the face of the commercial world ; and the outcome of it all will be an assimilation of economic status, the extension to Asia of the benefits of our civilization.

This is not the end. This is only what will come in the middle period, — not immediately before us, but not very far off. Fifty years is nothing in history ; and I should say that in fifty years one could see much of this consummated. There are other things that will not consummate themselves in five hundred years : the comprehensive name for all of them is the attainment of a true economic equilibrium in the world as a whole ; — a condition of forces in which no further assimilation and transformation is necessary, and in which all the quarters of the world, producing things in the same way ; doing business on the same plan, standing on the same economic level, shall engage in a neck-and-neck race of civilization.

What does all this mean specifically, as bearing on the question we are here to discuss ? It has very broad applications ; but I will give it only a limited one. The specific application has reference to the arbitration treaties that are before us. Not long ago, in a conversation with my honored colleague, Professor Moore, I asked him how much gain he thought there would be if a tribunal of arbitration should be established, and if recourse to it should be absolutely voluntary. He thought it would be worth much even if the nations did nothing in the way of binding themselves to have recourse to it ; but he thought it was of great importance that sooner or later, and sooner rather than later, the nations should bind themselves to have recourse to it. He thought it was of importance that we who are striving to secure such a treaty should aim, in the end, to get it in that form. In fact, he converted me from the view, — which I confess I had held up to the time when he overwhelmed me with precedents, — that the mere existence of a tribunal, as Dr. Hale has well described it, would be very nearly sufficient for the needs of mankind.

The importance of this evolution of which I have spoken seems to me to lie here, that it will tide humanity over a very critical interval, — a “dead-centre,” as mechanics would call it. If once we get even such a tribunal as is now proposed at The Hague, recourse to which is absolutely voluntary, we shall sooner or later, reach a state in which we shall refer all disputes to its jurisdiction. The industrial development of the outlying regions of the earth, particularly of Asia, which is immediately before us, is to thrust upon the nations of the world a thousand commercial entanglements, and to create differences of interest of a pecuniary sort. It is to place them where, if they would quarrel over dollars, they would do it every day in the year, and where, if a quarrel over dollars would lead to war, they would be in a condition of perpetual warfare. I can think of no condition whatever so favorable to the growth of tribunals of arbitration as one in which there should be continually arising causes of dispute over which the nations would feel ashamed to resort to violence. That sentiment of honor which compels a man sometimes

to fight another man, — according to codes of honor which prevail in some countries, and to some extent in all countries, — might range itself entirely against such a course, if the dispute were one of pecuniary interest, and that on a small scale. A man would be as thoroughly disgraced for striking another over a dispute about a few dollars as, according to the same code, he would be disgraced if he did not fight him for certain other causes. If every day in the year we are compelled to adjudicate interests of the minor sort in some other way than by warfare, we establish a precedent that, sooner or later, will compel us to refer all causes to such adjudication, — a precedent which in time will be overwhelming in its coercive power. Establish the court. Apply to it a hundred times in small cases, and you will find yourselves compelled to apply to it in large cases ; and while you will not be in the millennium, nor particularly near it, you will have entered the portal of the long, long road that leads to it.

THE HOPEFULNESS OF INTERNATIONAL ARBITRATION.

BY REV. PHILIP S. MOXOM, D. D.

“ Say not, the struggle nought availeth,
The labor and the wounds are vain,
The enemy fainteth not nor faileth,
And as things have been they remain.

“ If hopes were dupes, fears may be liars ;
It may be in yon smoke concealed
Your comrades chase e’en now the fliers,
And, but for you, possess the field.

“ For while the tired waves, vainly breaking,
Seem here no painful inch to gain,
Far back, through creeks and inlets making,
Comes silent, flooding in, the main.

“ And not by eastern windows only
When morning comes, comes in the light ;
In front the sun climbs slow,— how slowly,—
But westward,— look, the land is bright ! ”

So I phrase, in the words of Clough, the English poet, my confession of faith as to the coming of the day when nations shall not learn war any more. I believe that the prospects are good, that they are brighter to-day than they have ever been. I believe that this is a day for the optimist, a day in which the lugubrious voice of the pessimist should no more be heard in the land.

Take first of all the present conference at The Hague. Much has been said of it in this meeting, but I do not think that it fills the place in our imagination and our hopes which it ought to fill. While yesterday we had the “concert of Europe,” and the Cretan investment by the Allied Impotencies, to-day we are witnessing a concert

of civilization. There has been no time in the past when all the powers of the earth have come together for such a purpose and in such a spirit and with such a representation as that which we witness in the conference at The Hague; and there never has been a time, in the history of our country, when the United States sat so near the head of the table, and with so much potency for the determination of a hopeful issue of the conference, as to-day. Whatever may have been the causes which have led up to it, they do not lie within my province to discuss; but I challenge contradiction when I say that the moral force of the United States, in its effect upon the peoples and the sovereigns of the Old World, is greater at this moment than it has ever been in any moment of its history; and the whole of that force is pledged, by our principles, by our hopes, by our instincts, on the side of reasonableness and arbitration and peace.

I say that, notwithstanding the fact that two years ago we were here lamenting the defeat of the treaty before the Senate of the United States. The atmosphere of the world is changed. Great changes come slowly, but the manifestation of the change is sudden. Such a change is manifest now in the temper of the peoples who by their representatives are assembled to-day at The Hague.

Take again the sentiment of people at large in the nations to-day. Take the drift of public opinion. I quite agree with my friend Dr. Thomas in what he so thoughtfully said as to the fact that those who are in the right are always in the minority, at least for a time. It is true that the world is saved by "the remnant." It is true that reforms are led by the minority; but we must remember that being in a minority is no guarantee of being right. There are mistaken and evil minorities as well as beneficent and constructive minorities. He is a bold man who would say to-day that the majority of the people who vote in this country or in England would deliberately vote against arbitration and in favor of war. For my own part, I am sure that in England and in this country and even in Germany, the sentiment of the majority of the people, expressed in a plebiscite to-day, would be in favor of the principle that is represented in the councils at The Hague. That sentiment exists in the army and the navy; our noblest soldiers and sailors are themselves representatives of it. I say that without the slightest hesitation, in view of innumerable facts that have come to my own observation. There is blood-thirstiness among the people; there are always individual blood-thirsty men, and for a good many years yet there will be need of police in our cities, police in all countries, police on the highways of the world. But the great masses of Christendom to-day believe in the conservative and constructive methods of peace, and not in the destructive methods of war, and look upon war only as the dread inevitable resort at the last.

The promise for peace between the nations of the earth was never so bright as it is at this moment. Many influences have worked to that end. The defeat of the treaty two years ago discouraged many people, who considered it indicative of a sentiment opposed to our

hopes and anticipations ; but it is my firm conviction that the defeat of that treaty in the Senate, though I deplored, and I am afraid denounced it, has worked for good, has concentrated attention upon the question, has stimulated inquiry, has caused the diffusion of information, has brought larger intelligence, and has attracted the attention not only of the people of America and of England, but also of other peoples, to the great end for which the treaty was constructed, and that in the place of that defeated treaty we are on the eve of having a treaty which shall incorporate all that was good in that treaty and much more ; and we shall find the world pushed on a considerable way toward the portal of the long pathway (which I hope will not be so long as Professor Clark suggests) to the millennium.

One other consideration I venture by way of prophecy. If the conference at The Hague should end in failure to attain the specific end that is now shaping itself before that body (I do not believe it will) it will not be a cause for discouragement, or, least of all, for despair. The fact that the world should come together, voluntarily, in its representatives, to consider such a subject as that which is being considered day by day at The Hague, in "The House in the Woods" (a house, in my judgment, destined to be immortalized), this mere fact will work as a quickening and molding influence upon the minds, the intelligence, and the conscience of the peoples, and will hasten the day when a conference will convene which will reach further than the most sanguine friend of the present conference dares to hope.

Let me say one word with reference to a psychological fact of our time. It is only within our memory that we have had such a thing as an international consciousness. The multiplied applications of science, which have facilitated intercommunication, have created for us such an international consciousness, and out of that consciousness is evolving hour by hour an international conscience. It is a new thing in the world, that contains in itself a promise of more than all the publicists and reformers have dared to announce or to hope for in the past.

Let me say also one word with reference to the plane upon which we should push our argument. I believe we have made mistakes in the past. We have put the emphasis in the wrong place, and have failed to make true discriminations. We have made a mistake in drawing so sharp a line between what we call a civilian and a soldier. Let us never forget that to-day in all democratic countries and in all countries where constitutional government prevails, it is becoming more and more true that the soldier is also a citizen, and that the citizen is always the possible soldier, and that no soldier abrogates or abandons his rights and convictions and principles and duties as a citizen because for a time he becomes a soldier. We have failed to make distinctions, and sometimes have pressed to the fore considerations that are not the greatest. If we conduct this campaign on the plane of the essential moral reasonableness and righteousness of

peace and arbitration, as compared with war, as a means for the settlement of international difficulties; if we appeal to the highest motives and the highest sensibilities of people, we shall help forward the cause more than in any other way. It is right to consider questions of commerce; it is right to consider the question of life; it is right to consider the question of philosophy. But all these, after all, take their place below the high plane on which we should work, and press our chief arguments and express our strongest hopes, that is the plane of the divine rationality and eternal righteousness of the rule of reason and conscience over the actions of men, whether they be separated as individuals, or whether they be gathered as nations.

UNSEEN FORCES IN PROMOTING ARBITRATION.

BY REV. LYMAN ABBOTT, D. D.

It is only three years ago that Edward Everett Hale, standing in this presence, insisted, with what from any other man would have been tiresome iteration, on the doctrine of a Permanent Tribunal for the settlement of international difficulties. And he stood not alone; and yet, not one speaker presented difficulties there, but at least half a score. We were told at length, by an able diplomat, that difficulties never had been settled by an arbitration tribunal and therefore could not be; by another that the crowned heads of Europe would not consent to it; by a third that the whole military force of organized Europe would oppose it; by a fourth that there would be no force to compel obedience to the decisions of this tribunal. Most of us went home from that conference with about the measure of faith in the peace millennium that Dr. Clark has now; we thought that in about fifteen hundred years Dr. Hale's tribunal might exist.

Three years have gone by, and the practical statesmen of Europe have met at The Hague, — called for one purpose, but working for another: called by the Rescript to study the question of laying down arms, or of not taking up more; but turning aside, if we may judge at all from the reports that reach us, from that negative purpose to this affirmative one, the constituting of a Permanent Tribunal for the settlement of the difficulties between the nations of the earth. How is it that what, only three years ago, to the radical views of people assembled here at Lake Mohonk, seemed a dim and distant prospect, is already being discussed as a question of practical statesmanship at The Hague?

There have been hidden forces at work, not in those three years only, but in long ages preceding, of which we took no account. The globe has been growing smaller. Electric wires, cables, steam, have been bringing nation closer to nation. It is not over twenty-five years, I think, since Jules Verne, as the dream of a visionary, sketched the journey "Round the World in Eighty Days": many an American tourist does it now in less. The world has been growing smaller. We have been learning one another's customs and one another's

languages and one another's religious views, — and that is hardest of all to learn. Working men have been striking hands with one another: German and French and English and American have been learning that they have a common interest, learning to know that an injury to one is an injury to all, and that a benefit to one is a benefit to all. It is impossible to adjust that knowledge to the custom of war. Commerce too has been bringing us into closer relations; that has been expounded before us here to-night. And even religion which had put us in separate meeting-houses, and made us think that to hate our brother because he had a different faith, was the highest duty we could pay to God, has been changed, and not only Congregationalist and Episcopalian and Friend and Baptist and Methodist have met together to talk over common interests, but Protestant and Catholic, Christian, Jew, Mohammedan and Buddhist, — we have all come together to compare our faiths or our unfaiths, to look into one another's faces, to understand what one another wants, to understand what one another believes. The world has been growing together.

And most of all, because in all and through all, He has been working who rules in all. And it will be very strange, my friends, if we do not learn this lesson from these rapidly moving years, that he must run fast who would keep up with the moral progress of the world. Let a man see what possible righteousness there lies in the future, let him get the clear vision of it, and then let him gird up his loins and run with all his might. When he gets there he will find God there before him. And finding God there he may be sure that there are forces at work to realize his vision, forces which he had not seen nor thought of.

It is therefore of the utmost importance that those of us who are trying to run this race and reach this ideal should understand clearly what it is. "Art thou a king, then?" says Pilate to Christ. "Thou speakest truly," replied the Christ, "I am a king and he that is of the truth heareth my voice." And still Pilate shrugs his shoulders, and goes out with the cynical inquiry on his lips, "What is truth?" But if we can learn what truth is, if we can clearly and definitely understand it, we need not care whether we are with the minority or with the majority; for one with God is always a majority.

I am glad I am not to speak last in the Conference, because what I am to say now some of you will disagree with, — perhaps many of you, possibly most of you. But there will be others to come after me to-morrow who can correct my errors if I am in error. I think that those of us who have loved peace have in some sense made a mistake in making what Mr. Stead calls "War against War." I cannot think that all war is wrong. I cannot think that the universal instinct of mankind plays false. I cannot think that it is a desirable thing to erase from our national records the names of Bunker Hill and Brandywine, Antietam and Gettysburg, or from the roll of our great men the names of Putnam and Perry and Farragut and Grant and Sherman, and consign them to oblivion as men that lived unworthily.

There are some things worse than war. I know that General Sherman said: "War is hell." But there is one conceivable thing worse than hell, and that would be crime and iniquity going unrestrained and unpunished. War that emancipates, war that defends, war that protects, may be the very war of God Himself. Leaving the Netherlands under the despotism of the Duke of Alva would have been worse than the war of the Netherlands. Leaving England under the despotism of the Stuarts would have been worse than the English Revolution. Leaving this country divided, one half of it slavocrat, would have been worse than the Civil War. And there I stop: I will not speak of modern history.

What we have to do then, is not only to stand against war, but to stand for certain great affirmative, constructive principles, — four at least. First that war is or may be right, when it is for the liberation of the oppressed, or for the maintenance of peace and order and the protection of life and property. There is a theory known as Nihilism, that force is never to be used. I sat by the side of a Nihilist the other day at dinner, and he said, "Of course I never give a command to my child." The parent must not use force, nor the school-teacher, nor the policeman, nor the nation. That is one theory. The other is that force is not to be used until the appeal to reason and conscience has failed. This second theory is the one which is recognized and adopted by the conscience of the great majority of Christian men and women, the world over. I believe it is right. And this is, first of all, what we must stand for: no force, no war, save when the appeal to reason and conscience has been tried and tried in vain. War never, except as the last resort.

And therefore, secondly, we stand for the organizing of something that will avoid the possibility of that last resort. Not merely for the laying down of arms. Men fought before dynamite. They fought before gunpowder. They fought with bows and arrows, and before bows and arrows they fought with stone hatchet heads, and before that they fought with fists. If we could get rid of the powder and the bows and arrows and the hatchet-heads, and not get rid of the wrath in the heart of man, men would go back to fists again. What we have to do is to provide an organic method by which men can appeal for the rectification of wrong, for the protection of life and person and property. And in international relations that organization is a Permanent Tribunal.

Thirdly, we stand for that which must underlie both of these, the sense of human brotherhood. The German, the Frenchman, the Italian, the Pole, the Hindu, the Buddhist, the pagan, the infidel, all are brethren. No gap so great, no chasm so deep between race and race and man and man, but that the roots of man in Almighty God run deeper. All members of one great family, because all children of the one great God and Father of us all.

And fourthly, not necessarily the disbandment of the army, but something better, — its use for constructive purposes. The most splendid scene in the recent war was that hour when, at the very

moment the flag on the Spanish fleet came down, our soldiers threw down their arms, plunged into the water, and at the hazard of their own lives, saved the men whom a moment before they were attempting to kill. When history writes, as I believe it will, the names of Sampson and Schley and Dewey in letters of living gold on the page, it will not forget to write on the same line the name of that other hero who, when the war was over, went down to Havana, and laid down his life in the endeavor to give life and health to Havana, — the one great martyr of our war, Colonel Waring. And when perhaps we have almost forgotten San Juan and El Caney, we shall remember the name of that General Wood, under whose administration, in twelve short months, — what has been accomplished? Twelve months ago a city so defiled with filth that when George Kennan wrote a description of it for *The Outlook*, I had to strike some lines out because sensitive women could not have read them; now, a city at least as clean as New York City. Then, surrounded with a district devastated by war, lying idle and neglected; now, surrounded with gardens that are flourishing and full of fruit. Then, not a single school in Santiago in a building erected for educational purposes; now, between seventeen and eighteen hundred children going to school every morning. And who has done this? A general of the United States army!

MR. EDMUNDS: As this concludes the discussion for to-night, I may take the liberty, in the name of all of you, to thank each and all of the gentlemen who have spoken, for their interesting and eloquent and diversified discourses. They have showed us the picture of the past and of the future in every light. They have turned the block of marble, out of which is to come the white-robed statue of universal peace, in every light, that the sculptor of the future or of the present may see the work he has to do. We should be grateful to them for it.

The Conference then adjourned to 10 o'clock on the following day.

Fifth Session.

Friday Morning, June 2, 1899.

THE Conference was called to order by the President at 10 o'clock.

MR. WHEELER of the Business Committee reported the cable message to the American Commissioners at The Hague, which was accepted by the Conference. The message was as follows :

“ White, United States Representative, Conference, Hague :

Mohonk Fifth Annual Arbitration Conference congratulates on progress. Confident of American support for international arbitration tribunal.

Edmunds, president ; Baldwin, Adams, secretaries.”

MR. BALDWIN, the secretary, read the text of the American proposals at The Hague, which had just been received in the morning papers. The reading was received with applause. (See Appendix A.)

The President announced that the general subjects for the discussion of the morning were: The General Hopefulness of the Situation, and The Development of Public Opinion. A ten-minute limit was agreed to. The speakers were Rev. W. S. Crowe, D. D., of New York City; Mr. Amos R. Wells, the editor of the *Christian Endeavor World*; Prof. Jean Charlemagne Bracq of Vassar College; and Mr. Henry DeForest Baldwin of New York City. Reports of their addresses will be found on the following pages.

TRUSTING THE PEOPLE.

BY REV. W. S. CROWE, D. D.

I believe in arbitration, because I believe in the American people. In fact, that is the foundation of almost everything that I believe, in politics and in religion. How can a man believe in God whom he hath not seen, and not in his brother whom he hath seen? My candid opinion is that when matters are averaged up and very distant history is written, it will be conceded that the American people have nearly always been right, — so nearly always that when I see an indication that the vast majority of the people are determined on a thing I conclude that thing is right.

I believe the American Republic has a mission. Our forefathers wrought out one of the great principles of civilization, liberty. They were not interested in much else than liberty. When they made a

declaration, it was not a declaration of union or of brotherhood, it was a Declaration of Independence; and when they raised a flag-pole they called it a liberty-pole. Their controlling idea was to get out from under the hands of tyrants, and they succeeded in delivering the continent, and establishing for us, and for the world, the principle of national independence, of local self-government.

When that was done, our fathers got another idea, the idea of equality. The various peoples in this country must somehow be brought together and must be one people. They worked on that idea until Equality was gained; people who did not have liberty were given liberty, and the people who did not have their civil rights were given those rights. So at last the time came when we spelled the word Nation with a big N, when we were at last a People. We did not lose our liberty, but we united with it equality and brotherhood.

Was our mission accomplished then? The American people did not think so; and I accept that as my authority. The American people were impressed with the feeling that they were responsible outside their own limits. We are not here simply to mind our own affairs; we are here to meddle with other people's affairs. Truth and justice and brotherhood, you know, are busybodies; they never will attend to their own affairs and let the world alone. Saint Paul would not do it, the Christ would not do it; nobody who has had a mission from on high has been able to do it. So we are struggling on,—this Conference as vigorously as anybody,—to help this country to do its share in taking care of the world. From liberty and nationality we have gone on to the idea of universality. Commerce has gone everywhere, the missionaries have gone everywhere, our social relations have gone everywhere, and now, through war and peace, our politics is going everywhere. We have come to be a strong nation, so that what we say will have weight in the concert of nations. The influence of an individual or a nation is in proportion to its strength. We have become a strong nation, and we can stand with England, with Germany, with France, and now, thank heaven, with Russia, and with all the great nations of the earth, to carry the highest order of civilization into all the dark corners of the globe.

A strong nation, interested in the highest order of civilization everywhere,—how can we make all these American people agree with us? I first attended an arbitration conference,—the conference which was held at Washington in April, 1896,—simply in the spirit of a student. I heard magnificent speeches; I took elaborate notes; at home I wrote out my notes, preached on them and sent them to religious papers. Every time the Conference has held a meeting here I have preached on the question of arbitration, have given the arguments that you gave here, and have tried to familiarize my people with the ideas which are so familiar to you. But as Dr. Bradford said, the people at large are not familiar with them; they do not appreciate the truths which appeal so deeply to you. If we can, by any possible means, make popular the arguments that inspire

Mohonk, I do not see why the world cannot be carried for arbitration. We must remember that this is a Republic, and that nothing can be carried except the people carry it. The future work of the arbitration conference is the work of a wise public teacher — with malice toward none and with charity for all. When people see the truth they will demand the right.

MR. EDMUNDS : The chair may be pardoned for saying with reference to Russia, who was spoken of as latterly coming to our support, that Russia is the only nation that from the beginning has been the constant and unswerving friend of the United States.

THE CHRISTIAN ENDEAVOR SOCIETY'S WORK FOR PEACE.

BY AMOS R. WELLS.

The Business Committee was kind enough to ask me last night to speak for ten minutes this morning about getting young people interested in arbitration. I have written out what I have to say, believing that, when time is limited, a speech in the hand is worth two in the head.

It is of good omen that thus, probably for the first time, you have sought a report of arbitration work among young people; and it is of still better omen that there happens to be such work to report. Because until a cause, however great, has seized upon the imagination, the affection and the activities of the young, it has no prospect whatever of continued growth; but as soon as it is sure of the next generation, it is sure of the whole resplendent future.

Also, the work I shall report will be of interest to you because it is an experiment in the methods of popularizing the cause of arbitration, among young folk, to be sure, but men are only children of a larger growth. We have been made to realize more than once during this Conference the need of educational campaigns. The soldier in his barrack is likely to think that all men carry muskets. So also do we, on this serene mountain top, find it hard to understand that anywhere, in any lowest valley, men are hemmed in by dark walls of pride and prejudice and national vanity; but the walls are there, and they must be broken down. Let me sketch the way we are going about this work among the young people.

I believe that there are three necessary steps in popularizing a reform; first, you must get people to talk about it; second, you must get people to work for it; third, you must get people to sign their names to it; then, generally, you have them.

Believing heartily in this order of procedure, and anxious that what could be done to arouse the young people on this momentous matter should be done, I tried my hand at formulating what I call a declaration of peace. To ward off the charge of plagiarism let me say that

the plan I am describing was fully formulated at least half a year before the Czar's Rescript was dreamed of, and with no knowledge of the suggestion made by the Conference here. Many another man has had large visions, only—nothing came of them; and nothing came of mine, till after the Czar had spoken his vitalizing word. This "declaration of peace" was to give the young folks something concrete to talk about. To compare a small thing with a large one, it was to make a rallying cry as Tennyson's splendid line has been a rallying cry,—that line which, as every preceding speaker at this conference has quoted it, I need not here repeat.

You will permit me to to read this memorial, for it is brief:

MEMORIAL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA:

We, whose names are affixed hereunto, are members and friends of the societies of Christian Endeavor, numbering in this country over forty thousand organizations, with more than two and one-half millions of members, and in foreign lands over fourteen thousand organizations, with nearly one million members. It is the sense of our worldwide fellowship that impels us to this memorial. Canada, Great Britain, and Australia contain hundreds of thousands whom we have come to honor and love as brethren. Among the Hindoos and Persians, the Chinese and Japanese, the natives of Africa and Madagascar, the republics of South America, are large numbers who are thus closely knit to us. Our comrades in Christian Endeavor are found in France, Italy, Germany, Russia, Switzerland, Turkey, Greece, Norway, Sweden, Holland, Denmark, Austria, Belgium. In Spain itself, our foe in the late war, is a rapidly increasing number of them, and Christian Endeavorers were found in each of the opposing armies.

In view of these facts, we wish to express our abhorrence of war, and our solemn conviction that it is the duty of every civilized nation to do all in its power toward making war impossible. We wish to record our desire for the speedy establishment of an International Tribunal of Arbitration. We wish to show our interest in the international conference to discuss this matter proposed by the Emperor of Russia, and to urge that our country act promptly upon the proposals of that conference. And especially we desire by our signatures to appeal for the immediate consideration of the question of arbitration between this nation and Great Britain, that the Anglo-Saxon race may become united in the interests of peace and goodwill.

In presenting this memorial we are emboldened by the assurance of a cordial reception on the part of large numbers of our legislators, and we are confident that the Congress of the United States of America will in the future as in the past prove true to the largest sentiments of humanity. May the Divine blessing attend your deliberations.

I hope no one, when hearing that long list of countries into which this Christian Endeavor movement has penetrated, thought me guilty of braggadocio. That list alone is a conclusive proof of the brotherhood of man which should make war impossible. It is a sociological fact of immense significance that these methods of religious work, strict, thorough-going, and emphatically American as they are, should find an acceptance eager, intelligent and persevering, among Chinese and Kaffirs, Arabs and Hindus, Armenians and Indians, Esquimaux and Italians, Germans and Fiji Islanders. And it is of even more profound significance that the resultant type of Christian character and

life should be essentially the same all over this Babel of a globe. The spread of the Christian Endeavor society is one of the clearest auguries of universal peace.

This memorial was first published in *The Christian Endeavor World*, and every number since has contained an editorial on arbitration, backed up with the articles of such men as Joseph Cook and William E. Dodge. Still more to give the young folks something to talk about, brief expressions of opinion were obtained from leading men. Senator Edmunds gave us an inspiring message, and Dr. Ward, and Dr. Cuyler, of this Conference. They were such slogans as young people could shout in their meetings. Said General Evans (in part, of course): "The enemy of mankind is War; the friend of mankind is Peace." Said Dr. Van Dyke: "Peace is the end of all government." Said Senator Edmunds: "The star of Bethlehem, and not the flag of war, is the true guidon of the world." Said Bishop Potter: "War is a relic of barbarism, and there is really no more reason that it should survive among Christians, than that you and I should settle our differences by pounding each other with clubs." Said ex-President Harrison: "It is by a spirit of love and forbearance mastering the civil institutions and governments of the world that we shall approach universal peace." Said ex-President Cleveland: "If there is any substance to the claim that our institutions, and the traits that characterize us as a people, tend to national elevation and Christianization, it is eminently proper that our country should be in the lead in any movement in the interests of peace." There were many other noble messages, and especially from Mr. Stead and Rev. F. B. Meyer of England, from Director Greig of France, from Count Bernstorff of Germany, and from the Rev. John Pollock of Scotland, whose eloquent words were these: "O that the world-powers could recognize the day of their merciful visitation! The European friends of peace look longingly to the great democracy of the West, whose sword has never been drawn but for righteousness and the deliverance of the oppressed, and whose traditions have fostered a horror of war and a contempt for mere martial glory. May your congress be guided to such action as shall bring appreciably nearer 'the federation of the world;' and may the Endeavorers of America realize the grave responsibility attaching to them in this solemn and historic crisis!"

And the Endeavorers are bestirring themselves. Lack of funds and a belief that an admission fee assures attentive hearing, led us to charge five cents each for the memorials — just what the work costs us. Already more than a thousand have been bought, and they are going out in goodly numbers every day. Calls for them come from every State in the Union. Mr. Smiley was telling me yesterday how he signed one of them in California. Every part of Canada has sent messages of interest, as well as the Queen's islands near our coast. An enthusiastic German Endeavorer has translated it into the language of the Fatherland and is circulating it there. A copy has reached me in the Spanish language, signed by about seventy

young Mexicans at school in Texas. In all parts of the country the Christian Endeavor unions are holding mass meetings to consider arbitration and present the memorial, and thus hundreds of new workers for arbitration are being trained. Among those that are circulating the memorial, are veterans of the Civil War, and men whose sons have died in the Spanish War — men who surely are not ashamed of either struggle, but who are determined that in future the best way shall first be tried. And one of the encouraging features of the work is the fact that the young people are interesting their elders also, so that usually in the memorials that each mail returns to us, the side reserved for voters is as well filled as the side headed “non-voters.”

That, ladies and gentlemen, is the beginning of what may become a fruitful education of the young in the great principles of peace. If it succeeds it will succeed, as I believe, because it incorporates the three essentials of agitation I named at the beginning: it sets them to talking about the reform; it sets them to working for it; and it gets them to sign their names to it. In other words, first it attracts them, then it uses them, then it — has them.

I have referred to a message received from Director Greig, of France. He says: “From my special point of view, the chief objection to the actual state of affairs, at least in Europe, is the three-years’ break in the life-work of every young man while he is ‘*sous les drapeaux*’ (in military service). As he has practically to begin life again at twenty-four, he does not care how many opportunities he wastes up to that age. And bad habits are not easily lost.”

Members of the Conference, is there a more sacred duty before any father and mother in America than to teach our young people how blessed is their privilege of orderly, natural, uninterrupted growth? None, unless it be to teach them sympathy with the millions of young lives thus ruined by militarism, and fire them with a holy zeal for their enfranchisement.

FRANCE AND ARBITRATION.

BY PROF. JEAN CHARLEMAGNE BRACQ.

It was only just now that I learned that I was to speak this morning, and when I heard it I was much tempted to take a French leave, though in France, when a man leaves hurriedly without going to see the cashier of an institution, we always say that he takes “an English leave.” In such ways nations express unconsciously their national prejudices. I noticed that several of the orators yesterday spoke of the Spanish War, with a suggestion that it was fought on one side only. Perhaps the unconsciousness in such phrases may be the worst side of the habit. I was delighted to hear Mr. Brown’s address, for it seemed to me unlike any other in the large and sympathetic way in which he spoke of Russia, and gave an interpretation of Russia which showed the hopefulness of that country. My

acquaintance with Russia, through the continental press, would substantiate every statement which he made. It would be a good thing if, at one of these gatherings, we could have men of different nationalities making a survey of the hopefulness of the different nations; if we could have some one to speak of the hopefulness of France, perhaps a Frenchman; and this would be a harder thing, to speak of the hopefulness of Germany; or some other Continental speaking of the hopefulness of Italy. For in all these countries there are very hopeful features of the great question that occupies us.

I am not one of those who believe in one cause or one cure for every evil. I am afraid of excessive specifics. I think we have had a little too much stress laid upon commercialism, upon one thing and another, and we have forgotten the fact that there is no one great form of human activity which does not embody in its working every other. One science cannot do its work legitimately without the help of a score of other sciences. No one of the great activities of a nation, — whether its commerce, its industry, its art, its politics, its social life, its Socialism, — can work alone without the co-operation of many others. Commerce is helped by science, by religion, by all the concomitant forces of civilization, in the great work which it does.

We have heard a good deal about what the Anglo-Saxons are doing for arbitration, and we are all grateful for it, but some of you remember that Henry IV was at work in this great cause long before any Anglo-Saxon dreamed of it. The Anglo-Saxons, you know, were great fighters in bygone days, and there is a good deal of this spirit lingering in the blood yet. St. Pierre was won to this cause; the Huguenots of France were in favor of it; and William Penn and some Quakers of England who lived among the Huguenots got some inspiration in that direction. Napoleon III, — a man of whom I am always glad to find something good to say, for he has done us much harm, — in the fifth year of the empire attempted a work like that of the Czar. He tried it again at the beginning of 1870, and Lord Clarendon became enthusiastic over it, and went so far as to send a special envoy to Bismarck, but Bismarck was not friendly to peace and arbitration then, though I think the German people were and are still.

Within the last ten years, my countrymen, with all their errors and weaknesses, have in all international questions been in favor of a peaceful policy. In this little matter of Fashoda I can make out a good case for France. France has prayed and insisted that England should settle the question by diplomacy, and, when England declined to do so, we asked to have the case referred to arbitration, and this was likewise refused. We had four or five agreements with England in reference to Newfoundland, but when the Minister of Great Britain had given his word to those documents, he was obliged to lower his flag before the Newfoundlanders. Our government, whatever its falterings and mistakes, has been systematically in favor of a peaceful solution of all foreign questions.

But I want to speak of another power, more important than the government. The great idea of peace and arbitration has sunk very deeply into the life of Frenchmen generally. Our Socialists, as one man, are in favor of arbitration. It is the same with our scientific men, our artists, the men of education, and in education arbitration seems to them the only rational way of dealing with international entanglements. Our kinsmen on the other side of the Swiss frontier, who are as French as we are, are as enthusiastic in this respect as the most enthusiastic Frenchman. The French of Belgium, too, are very friendly to the idea.

There is a difference between the Anglo-Saxons, whom I admire and respect very much, and the continental governments. Jules Verne has said, in one of his novels, that when an Anglo-Saxon has an idea he tries to find another man to share it, and the two work together to find a third; and when there are three they organize a society and have a president, a secretary, and a treasurer, and then they work. The spirit of corporate organization, the spirit of association, is not so developed on the continent of Europe as it is in England and in America. There the social and national atmosphere becomes charged with an idea, and the time comes when the leaders of a nation, all those who represent its great organized forces, if they do not accept this idea, go under.

I have examined a large number of daily papers, and I have not found one in France which does not favor arbitration, except some of the religious weeklies. *Le Journal des Débats*, *Le Siècle*, *Le Temps*, — all these great dailies are heartily in favor of it. In an article published in *Le Temps* in May, the writer addresses a very earnest warning to the diplomats who were to gather at The Hague. He says: "Opinion in France, in Germany, in Russia, and in all Europe, had it a voice, oh, how it would dictate to you diplomats. How it would scream to you with all its might that humanity is tired of war, that it detests it, and that it begins to understand both the horror and the vanity of those butcheries which solve nothing, for they are always to be begun anew!" And this is not a single voice; I could give you more of a similar character.

I think the Christian Endeavorers between the Alps and the Straits of Dover are moving forward in this cause. I am grateful for the work of the Anglo-Saxon Christian Endeavorers of America and England, of which we have just heard; and I would like to say that the Christian Endeavorers of France, while some of them have no creed, are likewise sound on this question. They feel that war is a great evil. They are all ready, not only for arbitration, but for disarmament, if only there could be removed the sense of insecurity which rests to-day like a nightmare upon the populations of Europe. France and Germany and Italy consent to those crushing armaments simply under the feeling that their national security is impaired. But as far as my countrymen are concerned, I have not met for many years one who was in favor of a "jingo" policy.

A COURT SHOULD ADMINISTER JUSTICE: DO NATIONS DESIRE JUSTICE BETWEEN THEM?

BY HENRY DEFOREST BALDWIN.

The idea of a court presupposes the idea of justice, and the idea that those who voluntarily put themselves within the court's jurisdiction propose to have their conduct judged according to the canons of justice. A court that does not administer justice is a scorn and a contempt. Judge Chester referred to the discredit which attached to the Supreme Court of the United States, that most honorable tribunal in the civilized world, when it promulgated the Dred Scott decision, and the horror that went through the North when for the first time it was brought home to them that a court which sat for the administration of justice could say that a man who had black blood in his veins had no rights which a white man was bound to respect. Now I fancy that the obstacle that stands in the way of an international court, is the consciousness on the part of governments and of the people that make the public opinion of nations, that they do not desire to be governed by the ideas of justice, when it comes to a question of cutting up some smaller and more backward state. I do not say that it is right or wrong to cut up foreign states. I am not referring to anything in American history. I will take China and Africa as my examples. What respect could a court, sitting as a court to administer justice, receive if it promulgated an order for a division of the spoils of China and Africa between European states? Such a proceeding would shock the sense of justice of the civilized world, and would interfere with the ultimate triumph of the cause of arbitration. It would be to profane the temple of justice and turn it into a den of thieves. I for one am very glad that there is little prospect of having all questions referred at once to an international court, because I think it would retard rather than advance the reign of justice and the establishment of a permanent tribunal for the settlement of international disputes.

If it is a moral question, if it is the idea of justice which lies at the basis of the organization of a court, then what can I say to help you educate public opinion? There are men here who can deal with such questions much better than a lawyer can. We have to guide public opinion to the point where the people wish to have international affairs dealt with on the basis of justice; and the leaders of the organized forces of the Prince of Peace are those who should take the van.

I remember a labor agitator, who had some prominence also as an antislavery orator, who once said in my hearing that it made him feel sad to think that the great powers of Wendell Phillips were wasted on such an elementary and primary question as the question of human slavery, a matter that every reasonable man ought to understand and condemn without need of argument. But I fancy that

you will agree with me that all questions that are worth fighting for, all the great questions that are before us in the world, at every stage of its progress, are primary and elementary questions. What is the fight to-day in our big cities? Is it not a fight for the acceptance of the principles of common honesty?

The political economists have been doing something to educate public opinion to the idea that nations should deal with each other on the basis of justice. We free-traders used to flatter ourselves that we were doing something, in our quiet way, to bring to the attention of the people the idea of justice between nations. But I do not think that it is the political economists or the free-traders who are going to reach the people on this question. If Mr. Calhoun had known as much as his grandson about the negro, we are told there would not have been any war. Very likely; but the things that Calhoun's grandson had learned, and Calhoun did not know, about the negro, were not known to the people of New England when they stood for the abolition of slavery. The North did not send its young men to battle to settle a question of political economy. And I do not think it is Mr. Atkinson's figures or the agitation of free-traders that is going to bring the people to a belief in international justice. It must be the appreciation of a moral principle; it must be the realization of a feeling that men must have in their hearts that they desire right and justice. Here is work for the apostles of moral and Christian principles.

At the conclusion of these addresses the report of the committee on the Platform was presented by Hon. John I. Gilbert:

DECLARATION OF PRINCIPLES OF THE FIFTH LAKE MOHONK CONFERENCE ON INTERNA- TIONAL ARBITRATION.

We urge the immediate establishment of a Permanent International Court, which shall be open to all nations for the adjudication of whatever controversies may arise between them which they are unable to settle by diplomacy or mediation.

In the constitution of this court, we urge the application of the same principles which experience has shown to be most conducive to the ends of justice in judicial controversies between individuals. In this highest of human tribunals, the judges should be selected solely for their recognized ability, learning and impartiality.

During the past few years the cause of arbitration has made wonderful progress. Since our last meeting a treaty between Italy and the Argentine Republic has been negotiated. This marks a great advance over all former arbitration treaties, in that it provides for the settlement of all disputes that may arise between them, questions of honor not being excepted.

Within the past year another event of transcendent importance has occurred, in the summoning by the Czar of Russia of a great International Conference to consider how war can be avoided and its burdens alleviated. This conference at The Hague marks an epoch in the history of the world. It is the first great step toward the federated peace of the world. The Czar is entitled to gratitude and respectful admiration for his noble initiative. Earnestly do we hope that the work so auspiciously begun at The Hague will go forward, until at last, and at no distant day, the peace of the world shall rest on the sure foundations of justice, and nations be relieved from the well-nigh intolerable burdens of war.

We must not forget, however, that the work of the conference is only preliminary, and that the results of its deliberations must be submitted for ratification to the several governments there represented. We therefore here earnestly resolve to do what we can to promote popular intelligence and to quicken the popular conscience, to the end that when this subject comes before our representatives at Washington there shall be no doubt as to what the people demand in this time of supreme opportunity.

We believe that the gratifying progress already made, and the inspiring hopes which we confidently entertain for the future, owe their existence to the fact that men are learning the righteousness of peace, and that God rules the world.

In presenting the Platform, Mr. Gilbert spoke as follows :

In making this declaration of principles we have left out many things which some of you would like to have included in it, and some things which we ourselves would have liked to put in. But this is a very busy world, and we want our statement to be read by the public. So we have eliminated much which would no doubt be profitable, but not on the whole desirable, as we think, for this purpose. We hope it will meet the cordial approval of every one here. We are all thinking men and women, and have our own views, which in many respects differ. But we have undertaken to meet and to work as a unit, and to concentrate our united forces upon that which seems most important and which seems to promise the best result.

Let me call your attention to two thoughts, as related to our specific work here. If I mistake not, it is your ardent hope, it is your confident expectation, that sometime wars will disappear. It is your expectation that sometime all questions of difference arising between nations will be submitted to some rational and peaceful tribunal. But these things come slowly, a little here and a little there, a step now and a step then, until finally, in some grand consummation, the thing is done and mankind is blessed.

What are the two things that mark progress since our last meeting? First, the treaty between Italy and the Argentine Republic, which was so fully presented to us, marks distinct progress, in that it proposes to submit, not *some* questions of difference, but *all* questions that may arise, to arbitration.

What is the second step? These temporary arbitrations are valuable, but they are only preliminary steps leading to the constitution of the great permanent court. The conference at The Hague seems likely to recommend to the governments represented there the establishment of such a court,—not a temporary thing that is to-day and to-morrow is not, but a court that is permanent; which, humanly speaking, is as eternal as justice itself. The men change, but the tribunal goes on year after year, and, as we hope, century after century, blessing mankind as it goes.

This permanent court will undoubtedly deal at first only with certain specified or unspecified questions. It will be proposed at first to reserve some questions which may not be submitted to this tribunal. The time is not very far distant when two men who had what was called a “question of honor” to settle, could not leave it to a court, but must settle it with weapons of war. So we are now in the stage, so far as nations are concerned, in which the code of honor has not been superseded by the enlightened Christian code which we seek to make prevalent among men. But it is a great thing to have a tribunal established for the entertainment and adjudication of any questions which arise between them. It contains within itself the potency and the promise of a tribunal which shall not only be permanent but universal in its application to questions of international controversy.

Putting these two hopeful things together, it seems to me that that man or woman is stupid indeed—and surely no such person came up here—whose heart is not filled with the glow of hope and earnest expectation that events, which have moved already more rapidly than we anticipated, will continue to move on in the same direction.

You will observe that not a word is said in the platform about the matter of disarmament. That is not because it is unimportant, but because (I speak for myself only) I believe that the matter of disarmament is to come about in the same manner that you put off your overcoat. If any number of conventions had voted last winter that overcoats should be left off, you would have worn yours all the same; but when this spring sunshine has been falling upon you for awhile, you throw it off of your own accord. When this international court has been in operation for a while, I venture to say with confidence that the time will come,—and I do not believe it is a great way off,—when the nations will say: “What do we want with these armaments that drain the life and burden the hearts of the people?” and they will throw them off as you have thrown off your overcoat. In our confident hope that these better times are coming rapidly,—not without disappointments and delays, but coming, coming surely,—we can go to our homes and take up the work that lies before us.

We desire to put especial emphasis upon the fact that the work of the conference at The Hague is only preliminary. It brings to pass as a final result,—nothing.

Whatever shall be agreed upon there must be submitted for adoption to the several governments represented. In determining what

the action of our own government shall be, all of us have something to do. We can help to form public opinion and to make it effective. Let it be made clear to our representatives that in ratifying wise measures for the promotion of the end in view, they are responding to the will of their constituents, on whose support they may confidently rely. Let us not fail to do our immediate duty, at this time of special opportunity. Happily, we can not only declare our principles, but do something toward carrying them into effect.

The question being on agreeing to the Declaration of Principles, Mr. Robert Treat Paine spoke as follows :

MR. PAINE: May I say a few words to second the motion which has been made by the chairman of this committee on resolutions, and to ask you to consider favorably the platform that has been laid before you? The platform expresses merely the solid convictions and the business sense of the men who have met on the committee. It was not deemed wise to give utterance to the full measure of the exuberant hopes which some of us, I dare say all of us, and all of you entertain.

I do not think that we can realize the splendor of the moment in the progress of the world in which we meet. On this hill top we meet to keep time to the music of the union of mankind; we come up to this mountain summit to find it a little easier to heed the words of Emerson, and hitch our wagon to a star. The times are full of promise, and what we want to do as the result of this Conference is to appreciate the full force of the counsel, of the inspiration, that is uttered here, and to interpret it, first to our own hearts and consciences, and then to seek the most effective way to carry out this influence. How far? Over all the world. I wonder if we realize how many influences are gathered here that are presently going to be felt and heard all across our own land, and, I venture to say, out over the world.

I want to say a word about the action of the Czar. We have put a few words about it into our platform, because the pessimists and critics and Philistines have said the Czar was insincere. They have said that for the ruler of the greatest army in the world to issue this proclamation in one month, and in the next to organize steps to reduce the land of the Finns to more desperate servitude, was inconsistent. But we recognize that the Czar is the subject of a great system. And when the Czar, — who can tell whether he was influenced in some way by the counsels of the conferences that have gathered here in the last few years? — when the Czar issued that manifesto, he evoked powers that will never rest. I will venture to say, with a little exaggeration which is perhaps pardonable, that by that act the Czar abdicated; he evoked powers which are to govern him and his empire and the world. The difficulty heretofore has been the apathy, the indifference of mankind, the feeling of hopelessness. Now the Czar has set the whole world studying, thinking, dreaming, purposing, planning.

We meet here in the presence of great dreamers. I love to recall how, two or three years ago, the prophet of our time on this subject spoke with that enthusiasm which he always puts into burning questions, of the great tribunal of the nations. The rest of us were thinking of special treaties between England and the United States; but Dr. Edward E. Hale would have nothing but the great Tribunal of the Nations. It is well to recall these dreams of our young men [pointing to Dr. Hale] who see visions. It was four years ago that Sir Frederick Pollock, the great English jurist, delivered an address at the Harvard Law School, and spoke about this "dream" of a great tribunal that should keep the peace among the nations. He said it was impossible to measure the time when the dream was to mature, but that it might possibly come in the life time of his children or his children's children. And within four years, so rapidly does the world move, we see this gathering at The Hague marching surely toward this great achievement.

It does not seem to me so important what shall be the exact and definite result of the conference at The Hague. Whether the definite results achieved this year be large or small, from that acorn will grow the oak tree. It has been proposed that we should express in the Platform our wish that this conference at The Hague should not entirely dissolve and disappear, but should continue, so that by adjourning for three or five years it might meet again. But on the whole it seemed perfectly sure that a force like this, once evoked will continue.

We can do a great deal, we who are members of this Conference, by going to our homes convinced that the world is moving in the direction that we desire, with such a momentum that in order to keep up with it we must move, as Roosevelt said he did, when he said he had to run like—if he was to keep up with his troops in their charge. That is what we have to do. That we have attempted to affirm, in the platform we present. In that terse and guarded statement of the progress of the world, we have attempted to cast into words, thoughts which we believe we may present, first to our own hearts and consciences, then to our friends and to the world, as expressive of our faith that the world is moving, that our cause is advancing. I appeal to your kind consideration to give a favorable reception to this report of your committee.

The discussion on the Platform was continued by Rev. William Hayes Ward, D. D., who spoke as follows :

DR. WARD: I think it is proper to call attention to the value of such unofficial bodies as this, in the securing of great results. We are apt to think that it is only statesmen who can accomplish results. I believe attention has been called here to the action of the Society for the Reform of International Law. At its meeting in Brussels in 1895 there was presented, adopted, and approved, a scheme for arbitration, — a very valuable and important scheme, which was discussed at great length. I am glad to say that an Italian was one of those

who were the chief leaders and promoters of that action, Professor Corsi of Turin. The remarkable treaty which has been adopted by Italy and the Argentine Republic will be seen, by any one who compares it with that scheme of 1895, to have borrowed very largely from its plan and principles. Here is a case in which an absolutely unofficial body of men have shown that they have a very great influence upon the public action of states.

Another case is that which is now before the conference at The Hague. Those of you who heard this morning the plan presented by the American commissioners, must have observed and been interested in the fact that that scheme, in all its vital points, is substantially the scheme which another absolutely unofficial body, — namely, our New York State Bar Association, — proposed three years ago. I think this is a matter of the utmost importance, and it may be a comfort to us in our work here. We are an unofficial body. We have not attempted, as did the two bodies to which I have referred, to formulate all the points and considerations which must be held in mind when a treaty of arbitration is concluded ; but we have at least a work to do in controlling, directing and encouraging public sentiment.

The need of this encouragement of public sentiment appears in the failure of the arbitration treaty between the United States and Great Britain. You will recollect that that treaty failed by a vote of forty-three to twenty-six, for it required a two-thirds vote. The public sentiment of the people was not yet sufficiently developed and enforced on the representatives of the people in different sections, and for that reason we found it impossible to secure the passing of that treaty. I would call especial attention to the importance of pressing upon public attention the reasons for arbitration, and the great desirability that a treaty shall be formulated by the conference at The Hague, and adopted by the authorities at Washington.

If that treaty is formulated, shall the United States accept it? Each one of us has something to do to see that this is accomplished. This Conference is a body of idealists ; but while this treaty is not absolutely ideal, it is a considerable approach to the ideal. It is ideal in its establishment of a great international court of adjudication ; it is not yet ideal in that it does not propose that the states shall present to it all their cases of difference. It is open to them to present all, but it is also open to them to withhold what they please. But the time will come when, if we have this court, every nation will feel itself compelled by public sentiment to hold nothing back. It is not true that there is any real distinction between "questions of honor" and questions not of honor ; it is proper and safe for all such questions to come before such a court as is proposed. I consider that Italy and Argentina deserve the gratitude of the world. They are the leaders and the teachers of the world in this great and important principle, and there is no question that can divide nations which cannot safely be trusted to an impartial tribunal.

MR. EDMUNDS: The chair, being an intense optimist also, thinks it right that we should all understand that this Italian-Argentine treaty, when we have relieved it of its ornamentation, comes to this simple result: both nations agree, without reserve, to submit differences, without any exceptions stated, to a tribunal to be created by themselves. Each is to choose one judge, and those two judges are to agree upon a third. When it is reduced to its last analysis, it depends upon the consent of the representative first selected, whether there shall be any arbitration at all before the third judge or umpire. In a mere commission of claims there is generally no difficulty, and never has been. But where a question of importance has become intense, and relations are strained, the representative or judge selected by one side and by the other is necessarily, from the very nature of his being, an advocate, prejudiced and biassed in favor of his own country. If you get a very important case between Italy and Argentina, where the Italians feel that their honor or their important interests do not allow of its being submitted to anybody, their representative judge will find fault with every umpire who is suggested by Argentina.

Even in our experience in our own country, where we have reached the same result as to methods,—having one gentleman appointed by Great Britain, for instance, and another by the United States, to settle the fishery question a few years ago,—the question of the appointment of the umpire became so strained that it was impossible for the representatives of the two countries to agree upon any one. It was provided in that case that if the gentlemen could not agree, the umpire was to be selected by the King of the Netherlands. Then it became a question of diplomatic strategy to influence the King of the Netherlands to appoint a man whom we thought impartial and willing to do justice to us; and of strategy at the same time on the part of Great Britain to have their kinsman appoint a man favorable to them,—as he did. He decided, wrongly as I think, against us.

That is a fundamental difficulty that will exist until you get a court that is permanent, and which is composed, when you come to the trial of a particular dispute, of judges who are not biassed in favor of either side, as this Italian treaty provides. But it will be necessary to take a third step, which The Hague gentlemen will not propose, which the Italo-Argentine treaty will not propose, allowing a nation which thinks itself wronged to appeal to the tribunal, whether the other nation is willing or not.

I speak of this as an optimist. There is no use in shutting our eyes to difficulties and obstacles that lie in our path.

MR. WHEELER read the following telegram from Mr. Francis Forbes of New York, who was a member of the Conference in 1898:

“It is stated in the telegraphic despatches from The Hague that it is proposed to establish international arbitration to settle disputes in regard to the interpretation of treaties affecting industrial property as well as the more prominent subjects

that have heretofore been uppermost in the public mind. I desire to call the attention of the Mohonk Conference of 1899 to the resolution introduced at the Conference of 1898: that the United States government be asked to take the initiative in calling an international conference of the nations to frame a convention for the trial of differences between the nations and their citizens. Industrial property as a fit subject for arbitration was offered as an illustration in support of the resolution. Cannot the Conference with propriety consider the advantages to be derived from the commencement of arbitration in the domain of industrial property, namely: inventions, trade-marks, trade names, indications of origin, etc.? These matters are of common and wide spread interest, and yet of such a character as not to affect national honor. Matters affecting national honor are now confessedly without the pale of arbitration."

Mr. Wheeler said that Mr. Forbes's resolution was thought last year to be a little in advance of the time, but that the year had shown his wisdom. Last year the committee on resolutions thought it was better to deal with the immediate present alone; but we are of the opinion that possibly before another year, and certainly in the near future, the question which Mr. Forbes touches upon here will be dealt with on a larger platform and in a more official manner.

It was ordered that Mr. Forbes's letter should be entered on the minutes and printed in the proceedings.

General discussion was then invited.

GENERAL HOWARD: I have been thinking, as I sat here, of the Peace Conference of 1891 in Rome. My brother, Rowland B. Howard, was the secretary of the American Peace Society and had labored many years for the very consummation for which we are hoping now. He went to Rome, although his health was impaired. In that conference there was some objection to any reference to the religion of Christ. My brother's last plea was for the recognition of the Great Teacher and of his doctrines. Those who heard him have told me that he seemed to be more eloquent than ever before. A little after that he went to a hospital, and in a few days he died. He had laid down his life upon the altar of the principles that he had sustained in his life. I have been thinking of him, and I was about to say with what joy he would welcome this report; but I will not say that, for it is my conviction that he, and many others who have gone before as martyrs in the cause of progress, do have some cognition of what we are doing to-day and are rejoicing in it.

DR. R. H. THOMAS: I desire to express my satisfaction at the moderate tone of these resolutions. It would be premature for us to begin throwing up our hats. We are just starting on a new stage of the work. It is to be a wider stage, with a higher platform and with more influence. But after all we are only starting.

When we heard this morning that the proposition of the American delegates at The Hague cannot take effect until nine nations have agreed, there seemed to open before me a vista of tremendous work, not only in this country, but in a sufficient number of foreign nations to make up the nine that must agree to it. I think that the committee has been wise in expressing itself so cautiously. We can

thank God and take courage ; but there is much more work yet to do ; work with a new emphasis and in a new direction. There must be a long pull and a strong pull and a pull all together. Conferences like this will be needed not only in the near future, but for many years to come.

We ought to remember what General Barnes said yesterday in regard to the recurrence about once in a generation of a general feeling that there must be a fight. As a physician, the figure of the value of blood-letting, which he used, does not appeal to me as strongly as it would have appealed to my predecessors of fifty years ago. It used to be thought that to let blood every spring made a man stronger and healthier. It did make him feel better, but he was weaker. And the blood-letting practised upon nations weakens them also in many ways. Nevertheless, what he said of the periodical recurrence of war feeling is true, and I should like to say why it seems to me to be true.

When a war is over, and people have the horrors of it fresh in their minds, when they see the wounded men go about the streets, and feel the burden of taxation, then they do not want any more war. But all the time the histories that are used in the schools teach that war is the true ideal of heroism and patriotism, that our country is a thing to be fought for. The conventional heroes of history are the soldiers and the seamen, and the children are brought up in this tradition. Boys often go through a time in which they are savages and have the savage liking for a fight ; and just at that time our books of history stir them to ardor. At first the feeling of their elders about the horrors of war keeps this down. But when the temporary revulsion against war is forgotten, the gradual influence of all the ideals that have been set before them make them feel that there is no heroism except through war, and so they strive for war.

The one criticism I would make upon these resolutions is that they only look forward to next year. Friends, if we are to produce a real result we must go deeper than this and labor to put fresh ideals into our children's minds. While we should not slur over the wars in history, let us have history taught with the true emphasis, so as to bring out the development of man. We must see to it that our teachers are impressed with the true ideals. Patriotism should not be represented by the formula : " Our country, may she ever be right ; but our country, right or wrong ! " We should teach a patriotism that is strong enough to say : " I will not do, or help my country to do, what is wrong. " We should show our children that our flag is not an emblem of separation from the rest of the world, but a prophecy of union ; that thirteen stripes and forty-five stars have been brought together to illustrate, as in a glorious parable, that which is to take place among all nations.

After all, it is not explicit teaching which has greatest effect, but implicit teaching. It is the implied teaching at home and at school, the ideals and heroes set before our young people, which influences them. When we have instilled the true constructive idea that

heroism is that which saves and not that which destroys, then, I believe, we shall be very near our goal.

MR. JONES: I cannot allow the opportunity to pass without commending the wise action of the committee in formulating the conservative address which they have presented. The conference at The Hague is largely a result of the work of those unofficial bodies which have been referred to by Dr. Ward. One unofficial body, the New York State Bar Association, three years ago sent its argument and its plan for an international court, not only to the English-speaking peoples, but to the prime minister of every nation on the globe. They have had three years to consider the argument there set forth.

COLONEL WM. CONANT CHURCH: One word about the fisheries treaty. The arbitrator was not the King of the Netherlands, but Leopold, king of the Belgians, who was an uncle of Queen Victoria, and had for many years been a pensioner of the English treasury. He chose as umpire in the arbitration a man to whom our government had persistently objected. The arbitration was a complete failure, as a fair adjustment of a dispute.

The significance of these facts is that the whole credit of any arbitration depends upon the character of the tribunal. This case was a matter of dollars and cents; our government was rich and could afford to pay. We paid the money, but we felt that we had been robbed, and the good feeling between the two nations was seriously affected. It is necessary to have some method of preventing such miscarriages of justice, or there will be war to follow.

MRS. FRANCES J. BARNES: Dear friends, we are "waging a peaceful warfare." Those are the words of our beloved Frances Willard. A few days before she passed away, I stole in and listened to her words. She said: "Doctor, our Christian Temperance women, with their department of Peace that has belted the world, are heroes! They are fighting such a battle as was never known in the Revolution, nor in the Rebellion! To-day it is a spiritual warfare, and they are true patriots. But, — do not forget, — we are the women of the home!" And she has said, dear mothers, that our society is "organized mother-love." Organized mother-love may go beside this brotherhood, and together we may hasten to bring in the better time. Let us do it by what we may accomplish in the home, in the Sabbath school, in our Christian Endeavor societies, and in the public schools.

"It's coming, it's coming,
The time for which we pray.
We'll take the world for Christ's own kingdom,
Some glad day."

On motion of Mr. Smiley, seconded by Major Bright, the resolutions, as presented by the committee, were unanimously adopted, by a rising vote.

Mr. Wheeler moved the following resolution, which was adopted:

That copies of the Platform be transmitted by the secretary of the Conference, through the Secretary of State, to the President of the United States, the Czar of Russia, the King of Italy, the President of the Argentine Republic, and the American delegates at The Hague.

DR. MOXOM. I want to express my great gratification with the report that we have unanimously adopted, especially in this particular, that it asks for such a scheme as shall include the submission to a Permanent Tribunal of all cases that may become causes of war. It has been generally supposed in the past, and has been intimated by some speakers here, that there are some questions that must be excluded from the jurisdiction of such a court. On the contrary, the logic of the situation tends to the inclusion of every serious case of difficulty that may arise between nations. Otherwise we should have a court that could adjudicate upon cases of petty larceny, but must exclude a case of murder, — which would be an absurdity in any legal system. This report, in its brevity and simplicity and comprehensiveness, is altogether the best result at which this or any similar body has arrived in the discussion of the subject before us. It asks for the creation of a tribunal that shall be so high, so broad, so noble, that no incident that may become a *casus belli* may not be brought before it and settled in a rational way.

REV. SAMUEL RICHARD FULLER: I need hardly call the attention of my legal friends to that fundamental principle of jurisprudence so clearly laid down by Aristotle (though in mentioning his authority I do not do so in order to buttress the truth; the truth is its own authority), that in every form of government which is at all representative of the people there are three factors which are harmonious and coördinate; — namely, the executive, the legislative and the judicial. The purpose of this meeting and similar meetings is to lay emphasis upon the judicial function of government. We are striving for a Permanent Tribunal which shall serve as a court to adjudicate difficulties between nations.

The difficulty touched upon so eloquently by the secretary of this meeting — namely, the possibility of injustice being rendered, even by superior courts, as notably by the Supreme Court of our own nation — is a difficulty which disappears when this principle of Aristotle is kept in mind. I venture to call your attention to it, not to remind my legal friends of that with which they are so familiar, but in order to disabuse the minds of any others as to the existence of any insurmountable obstacle. The remedy exists in the nature of the case. Wherever injustice is done by any court, as has been done by the Supreme Court of the United States more than once, that injustice is remedied by one or by both of the other factors of government — by the legislative, representing the people, or by the executive, as the executor of the people's judgment.

So in reference to this Permanent Tribunal, I have full confidence not only in its coming into being, but in its rendering substantial

justice. And this for the very reason which was pointed out so well by Dr. Moxom last night, — that there has come a new thing in the world, first the consciousness of the nations, and second a public conscience, which is to transform not only this country, but the nations which are to constitute the brotherhood of mankind. If any act of this Permanent Tribunal should shock the public consciousness and do violence to the public conscience of the nations, it would become inoperative. The public conscience is the ultimate authority of all courts.

One other thought on a still higher plane, which may lift the discussion into that atmosphere where properly it belongs. The people who have come to this Conference are distinguished by this, that they are believers in and lovers of God. My final word, then, is that inasmuch as God is love, and inasmuch as love is a permanent factor in human life, derived from God and expressing itself through human instrumentalities, therefore we who believe in peace believe in it, not because it is advantageous, not because it is good politics, though it is all this, not because it favors commerce, as it does, — but we believe in peace because we believe in God, because we believe that the victories of peace are incomparably greater than the victories of conquest and subjugation. For this reason we believe in peace, and bid godspeed to all those who dare to throw themselves firmly and affectionately and trustfully upon the eternal heart of God.

MR. COOMBS: Things that are right, that are in line with the purpose of God, are pretty sure to succeed, no matter what the obstacles. It was my good fortune, as that of some others in this room, to be present at the first meeting at which the subject of the Australian ballot was discussed, and any practical step taken to influence legislation to authorize that ballot. I had the honor of presiding at that meeting, and a committee was appointed to bring influence to bear upon existing organizations. We had against us the influence of every "boss" in politics; we had against us the influence of every man who wanted to make his way illegitimately in politics by the use of the ballot. In the beginning we had a harder battle to fight in the education of public opinion than this cause of arbitration has; and yet it was victorious. Have we not good reason to believe that this will succeed?

MRS. DEBORAH LEEDS read a passage from an essay of her husband, Josiah Leeds of Philadelphia, upon "The Help of Armenia":

"The way of Divine accomplishments needs to be left with the Lord. He can plead by the whirlwind, the tempest, the very shaking and upheaval of the earth. He can plead, and does plead too, by the still small voice, and by the gentle, overcoming ways that are the resultant and efficacious auxiliaries of that voice. When the face of the Master was turned as though he would go to Jerusalem, and the people of a certain Samaritan village forbore to receive him, the indignant demand of the two disciples that he should consume with fire from heaven the offending village was met with rebuke: 'Ye know not what manner of spirit ye are of, for the Son of Man is not come to destroy men's lives, but to save them.'

“We can teach the Moslem nothing in the way of conquest by blood and fire. For thirteen hundred years his borders have been enlarged thereby, yet during all those warring centuries the armaments of professing Christendom have increased apace. Reconciliation between nations, arbitration of all their differences, or a supreme tribunal to settle them, mutual disarmament,—questions of exceeding import which seem just dawning upon men’s minds as revealing methods for rightly dealing with disputes that ought long ago to have superseded the barbarism and sin of carnal warfare,—these things laid hold of and accepted by us, as of the gospel, will convince, convert and conquer the Turk, where the wager of battle never will. Ezra, the righteous, God-depending scribe, is a type of the one; Xenophon, the resourceful, brutally courageous fighter of pagan Greece, a type of the other. The leopard will not lose his spots, but the heart of the Greek and even the Turk will change at the touch of Divine Grace.”

In closing Mrs. Leeds said :

Before we part, we may each one of us promise ourselves, with the help of the Master, that we will not dare to be idle any longer, but will do something for this cause. And let us not feel that the work is Utopian, but believe in it; for believing is the only way to bring success. If women and men would seek in their own home to arbitrate between their children and to teach them the meaning of the words “in honor preferring one another,” then some day, and that not far away, we might have arbitration between the nations.

MR. ATKINSON: Some of the most “glorious battles,” so called, of the second war with England were on the lakes that divide this country from Canada. After that war, in which the naval forces on both sides were nearly destroyed, John Quincy Adams suggested that there should be neutrality on the Great Lakes. While he was secretary of state under Madison, for the declared purpose of avoiding collision and diminishing expense, the two nations disarmed upon those lakes. Through the narrow channel that divides our territory from Canada, the Sault Ste. Marie Canal, there passes annually a commerce twice that of the Suez Canal. The area of the Great Lakes is greater than that of the Mediterranean Sea. To-day, when there is greater danger of a refusal of arbitration between us, Great Britain and Canada, than elsewhere, may we not be thankful that there are no battle-ships upon those lakes and that the peace of God has been kept where commerce rules?

Belgium was the battle-ground of Europe. The final contest between the forces of Napoleon and those of Wellington was fought there. What came then? A treaty between Belgium and all the adjoining nations neutralized the territory of Belgium. Had the French army in 1871 been enabled to retreat into Belgium it would have been saved from capture; but the honor of nations, even of those engaged in war, was pledged, and the treaty of neutrality saved Belgium. So with Switzerland: when the army of Bourbaki was being driven down to the South and passed the line into Switzerland, what occurred? The French troops laid down their arms and dissolved their forces.

I wonder that this subject has not come up before. Suppose we neutralize the territory of the United States, by agreement among

the nations? The neutral is the friend of all, and those who join in the treaties are not permitted to fight upon the land or in the waters of the neutral. Why may not a great nation, as well as a small one, not waiting even for a treaty of arbitration, agree to neutralize its territory, giving equal rights to all, but allowing no contest within its borders, and then in the paths of peace, goodwill and plenty go on its way? I hope that when this Conference meets again this idea of neutrality — as visionary to-day, perhaps, as were your ideas of arbitration but a few years ago — will come to the front.

MR. EDMUNDS: The chair would like to add, as a complement to what Mr. Atkinson has so well said, as showing the progress of real honor among nations, that it was less than two hundred years before the Belgian and the Swiss neutrality that in the wars of Frederick the Great the neutrality which had been agreed upon in respect of certain of the smaller principalities was treated as mere chaff, and the armies marched across neutral territory and fought wherever they would. Two hundred years has made an advance in honor among nations such as gives hope that whatever they may now agree to they will stand by.

MR. GEORGE GLUYAS MERCER: I beg leave to read a few extracts from a book which I have taken from the library of the Lake Mohonk House, in partial reply to words spoken in the concluding address last night in justification of war under certain circumstances. First, I desire to say that I am one I doubt not of thousands of men who owe a debt of gratitude to Dr. Lyman Abbott which they may never hope to repay. I have more than once been spell-bound by his eloquence, and even more frequently I have read his printed sermons in *The Outlook*, and after reading them have said, as I laid the periodical down: "That man preaches the gospel for me. He says exactly what I need." His words have comforted me in affliction, they have encouraged and strengthened me when in doubt; they have always uplifted me. But I feel that I should be recreant to my birthright as a Pennsylvanian and false to the precious inheritance I have from the immortal founder of Pennsylvania, William Penn, if I did not lift my voice here to-day in earnest protest against his doctrine of the justifiability of war. I would detract not one whit from the credit to be given to our military heroes. And by the way, the best sermons preached at this Conference have been preached by so-called men of war, and I make bold to say that the worst have been preached by ministers of the gospel of Christ. There has been no more touching speech here to-day than that by the one-armed hero, General Howard, whose name I remember hearing when I was a boy at my mother's knee. I would gladly give my own arm if I could do for my country one tithe of what that man has done. I should like to have this Conference order printed in the appendix to its proceedings the noble words of Admiral Sampson on behalf of peace, spoken in the city of New York only a few days ago. Now, even admitting that there may be some justifiable wars, that the

War of the Revolution, waged for the right of self-government, and that the Civil War, waged for the preservation of the Union and for the freedom of the slave, were justifiable, I nevertheless maintain that there has never been a war, from the beginning of time until now, which has settled any question so well as it might have been settled if we had had the heroism to rise out of the mire of primeval barbarity, and to appeal to reason and to the gospel of Jesus Christ. Dr. Abbott said last night that wars were justifiable when crime and iniquity were going unrestrained, but I say that crime and iniquity may be restrained without war. Dr. Abbott said that wars were justifiable for the protection of property. The words I want to read to you in answer to that are the words of William Penn :

“For what can a man give in exchange for his life as well as soul? And tho’ the chiefest in government are seldom personally exposed, yet it is a duty incumbent upon them to be tender of the lives of their people; since without all doubt they are accountable to God for the blood that is spilt in their service. There is another manifest benefit which redounds to Christendom by this peaceable expedient, the reputation of Christianity will in some degree be recovered in the sight of infidels, which, by the many bloody and unjust wars of Christians, not only with them but with one another, had been greatly impaired. For, to the scandal of that holy profession, Christians that glory in their Saviour’s name have long devoted the credit and dignity of it to their worldly passions, as often as they have been excited by the impulses of ambition or revenge. Yet their Saviour has told them that he came to save and not to destroy the lives of men, and to give and plant peace among them. Of all his titles this seems the most glorious as well as comfortable for us, that he is the Prince of Peace. It is his nature, his office, his work, and the end and excellent blessings of his coming, who is both the maker and preserver of our peace with God.”

These are the words of William Penn. If he were here, I doubt not he would challenge the learned clergyman whose name I have given to say where, between the covers of the Four Gospels, can be found the doctrine preached last night. Wars may be justified on other grounds, but they cannot be justified, I submit (it is hardly becoming in me to say it, but I must if clergymen will not), between the covers of the Four Gospels. As the learned gentleman spoke last night there lay before me Dr. Trueblood’s little paper, *The Advocate of Peace*, on the first page of which I was reading the words of Emerson. The Yankee Plato says :

“At a still higher stage man comes into the region of holiness; passion has passed away from him; being attacked he bears it and turns the other cheek, as one engaged throughout his being, no longer to the service of an individual, but to the common soul of all men. If peace is to be maintained, it must be by brave men, who have come up to the same height as the hero, namely, the will to carry their life in their hand, and stake it at any instant for their principle, but who have gone one step beyond the hero, and will not seek another man’s life, — men who have, by their intellectual insight or else by their moral elevation attained such a perception of their own intrinsic worth that they do not think property or their own body a sufficient good to be saved by such dereliction of principle as treating a man like a sheep.”

Why is it that men like Roosevelt, that hero of our recent war, that scholar, that man of high honor and principle — why is it that war brings such men down to a level where they preach war for the sake

of war? Why is it that war inspires men to say, what we have heard from a doctor of divinity here this morning, that the American people have nearly always been right, and that, when a majority is in favor of a thing, the presumption is in its favor? As to these people who spell Nation with a big "N," the people who think that responsibility for the whole world is their business, and that the influence of a nation is in proportion to its martial strength, — I make bold to say that their gospel is the gospel that has filled the world with carnage. It has inspired more wars than any other doctrine that can be preached, and yet it is what we have heard to-day. Is it not because these men have a false view of patriotism? George William Curtis has said that "A man's country is not a certain area of land, of mountains, rivers, lakes, but it is principle, and patriotism is fidelity to that principle." Under this definition of patriotism, the true American patriot is he whose sympathies are with men everywhere who are struggling for freedom and self-government, and who believe in the world wide brotherhood of man as sung by Lowell:

"Where'er one man may help another, —
 Thank God for such a birthright, brother, —
 That spot of earth is mine and thine!
 There is the true man's birthplace grand,
 His is a world-wide fatherland."

MR. SMILEY: In this company there is evidently great difference of opinion with regard to war; but this is an arbitration conference and not a peace conference. I do not think we shall gain anything by discussing war in the abstract, and whether it is under any circumstances justifiable. I believe you will all agree with me that it is wiser to keep to the subject for which we were called together.

Mr. H. E. Talcott presented a resolution moving the appointment of a committee to suggest topics for the discussion of the next conference. The resolution was seconded by Mr. Francis Forbes, and was referred to the Business Committee.

The Conference then adjourned to 8 o'clock.

Sixth Session.

Friday Evening, June 2, 1899.

THE Conference was called to order at 8 o'clock by the President.

On motion of Mr. Wheeler, it was voted that Dr. B. F. Trueblood, Samuel B. Capen and Martha D. Adams be appointed a Publishing Committee, and that the treasurer be authorized to pay bills upon the audit of any member of this committee.

On motion of Mr. Smiley, it was voted that the Business Committee be constituted a permanent Executive Committee, to serve as the representative of the Conference until the appointment of a new committee in 1900, and that the president of the Conference be a member of that committee.

The Conference then had the pleasure of listening to addresses by General O. O. Howard, General Wager Swayne and Miss Sarah F. Smiley. These addresses follow.

THE POWER OF PERSONAL INFLUENCE.

BY GEN. O. O. HOWARD.

It seems to me that the work of the Conference has been well done. We have had one subject before us, that of arbitration, and we have shown that it is certainly possible. If the people at The Hague will only take our advice they will settle upon a plan that will be for the benefit of all mankind. I may not have come to your conclusion by the same road that you have; but I love the idea of settling all difficulties by such a court as that which has been recommended here. I have no doubt there will be some difficulties in establishing it, but I think it is practicable.

While we are here in this heavenly place we feel that we have the spirit of the Lord with us. I wish we might be so filled with that spirit, as with rivers of living water, that when we go away from Mohonk we shall have an influence that will be potent with those we meet wherever we go. Let no one consider himself of too little account to exert some influence in behalf of righteousness, in behalf of justice, in behalf of love, which is the greatest of all. If we carry these ideas with us wherever we go, the spirit of the Lord being with us, their influence cannot be calculated.

Once when I was quite young I worked myself into what I call the measles of unbelief. Almost everybody catches this disease sooner or later. I was severely afflicted with it. I was feverish, talked much and rapidly, and particularly enjoyed talking against the Scriptures to my mother and others who were around me. A young lady, daughter of a clergyman, who was unpretentious, touched me on the shoulder one day, and said: "Otis, if I were you I wouldn't talk against the Bible; I would just be a Christian." That was long ago, but it is just as distinct in my mind and heart as it was the day it was uttered. Why was it so powerful? I have a theory about it; I think that theory may aid us at this Conference: it is the power of a little thing in the providence of God. It cost her a strong effort to say that to me; I think she had previously prayed over it; and it was not simply the girl herself, but it was the Lord helping her, that produced such an effect. Cannot one do as much as that; cannot everyone of you?

I was thinking to-day of something in the War of the Rebellion: you will excuse an old soldier for telling stories. Some of you remember that on the battlefield of Fair Oaks in Virginia, — the Confederates call it Seven Pines, — near the end of the battle, I made a charge with my last two regiments. They never had been under fire before, and at first began to scatter. I do not think they were "bloodthirsty," as some one said this morning; they did not seem so; they were a little inclined to go the other way! I was perhaps a little cooler than some of the rest, and so gave the order "Lie down!" Then I gathered them up under a railroad embankment, and when we were all ready, my brother and I rode out in front of each regiment and directed the officers to repeat the orders as we gave them. They were "Forward!" and they said "Forward!" and away we went. We passed through the Confederate lines, and by and by the Confederates ceased shooting and we had them as our prisoners. I was shot twice in that advance and compelled to turn over my command and turn back across the fields. Many poor wounded fellows were also coming back. I met one fine looking boy who was under the influence of drink. Sometimes men would do that: some were cool naturally, some would pray, and some would bolster up their courage by a strong drink, that is if they could get it. So when I met that boy I said to him: "Young man, if I were you I wouldn't drink." That was all I said, — what a little thing that was! Well, about three years ago, General Balloch of Washington sent me a slip from a newspaper, and in it was this man's story. He had returned from the war, had gone through the high school, had become a scholar and a distinguished lawyer, and at last had been appointed to the judge's bench, and before the close had had a brilliant and useful career. Before his death he had told this story: he said he was that boy of the 5th New Hampshire regiment who met General Howard on the field of Fair Oaks, and said to himself, "If he could think of me when he himself was wounded, I thought I ought to think of myself," and he never drank again. The turn in his career was due to that small effort.

So I say to you, go out from this Conference resolved, each one of you, to do what he can. God will bless little things if you carry those little things to Him when you have your own heart filled with his spirit.

THE CERTAIN VALUE OF AN ARBITRATION TRIBUNAL.

BY GENERAL WAGER SWAYNE.

I do not know how any one with a heart or with a head can withhold earnest sympathy and congratulation from the work which you are carrying on. It is one of the attributes of the Father in Heaven that "He maketh wars to cease unto the ends of the earth," and you seem to be directly in line with that attribute of His divine goodness in the work you are accomplishing here.

I am not unaware of another phase of the subject, which deserves to be regarded as carefully: Our Father in Heaven made also the human heart; and when, two thousand years ago, a Latin poet wrote, in the middle of a short sonnet, a line which may be freely translated, "It is sweet as well as glorious to die in arms for country," he touched a chord in the heart of man that has responded with acclaim of truth and holy fervor through the ages ever since, and in a way which those who are concerned with the advancement of the truth you have in hand will do well not to ignore. The American people is not yet prepared to take that sentiment out of its heart. And the American nation is a body politic of which no man may wisely say or sanely think that it is given over to a serious mistake.

I have so rejoiced in what I have seen of your work that I should be glad from the bottom of my heart to see established a tribunal for international arbitration, even if I knew in advance that not a single cause would ever be arbitrated by it. Modern wars, the wars that you and I know most about, have not been quarrels over things which in the nature of things could be the subject-matter of arbitration. You all remember how one morning we opened our newspapers and found that over night the President of the United States had conceived and issued a preliminary declaration of war against Great Britain over the Venezuela affair; and, what was very much more to the point, within a few days it was developed that the American people was substantially behind him. Now the majority of the American people cared nothing about Venezuela; they hardly knew where Venezuela was; nor were they particularly strenuous about what Mr. Punch calls their "relationship to the late Colonel Munroe." What was it, then, about which they were so ready to go to war? Just there I had occasion to learn a lesson, which may not be without its meaning to you, as to how wars originate.

At that time Sir John Pender was a near neighbor, in London, to Lord Salisbury. The two were very intimate, and both of them were

intimate with Mr. Abram S. Hewitt of New York. Mr. Hewitt was carrying on a business correspondence with Sir John, and in one of his letters Sir John asked, "What is the matter with the American people that they feel so like fighting us?" Mr. Hewitt replied, that, as nearly as he could understand, the American people were strongly impressed by a conviction that Great Britain was strutting up and down the earth with a chip on her shoulder, and they were of opinion that it was high time she was called down. Sir John Pender replied that he had shown the letter to Lord Salisbury, who had been deeply interested, and had asked leave to take the letter, and that we should soon hear something from it. After two days Lord Salisbury came out with a manifesto which essentially changed the English position and dissipated the cloud of war.

That is only one of many illustrations which could be given. The great war of 1870, between France and Germany, had certainly no basis of dispute, but had its origin entirely in apprehension and ill-will; and I understand that the principal reason why we did not have hostilities between France and England over the Marchand affair was that the glorious woman who has ruled England for sixty years had notified her Premier that if there was to be war with France she should beseech Almighty God that her own life might terminate before hostilities began.

Why, then, do I think we should rejoice in a court of arbitration? Because in time of angry impulse, threatening war, nothing, I think, can quite so forcibly avert it as the standing existence of a living pledge, which both parties have joined in erecting, that reason, and not feeling, shall prevail.

Will you forgive me here for a bit of by-play over my very sincere rejoicing in the prominence of woman in this cause? It has seemed to me for years that when the Almighty endowed women with their blessed incapacity for war — to say nothing of their inability to throw a stone — He thereby made them natural champions of peace, and of courtesy and honor and religion, as the things on which peace rests.

A word more on the relation between war and international controversies. I only want to suggest that often war is not the primary dispute, but is only the method preferred by the controlling voice as to how the dispute shall be settled.

I can best illustrate this to you by explaining how it came into my heart and mind. When the war broke out in 1861, perhaps the dearest friend I had was a Louisiana sugar planter. Suddenly, for three or four years, he and his friends were diligently engaged in shooting at my friends and me, and we were laboriously endeavoring to return in full measure that delicate attention. When the war was over his arms and mine were round each other in a moment, and they continued so until he died, and now his children are to me perhaps next to my own. Is it possible that there was ever in his heart or mine a murderous intent toward the other? You know that there was not. In the very height of the carnage before Vicksburg, when

I was provost marshal of Memphis, I was applied to by delegates from the American Bible Society to assist, as I was glad to do, in sending through the lines a consignment of Bibles to our dear friends the enemy, by whom they were received with welcome. Is not such a fact conclusive as to the absence from the hearts of all concerned on either side of any murderous intent?

Why, then, was there war. Why was there the conviction, on my friend's part and mine, which five-and-thirty years have in no degree effaced, that it was right for him and right for me to go to war? Because war is simply one of several methods of settling many issues which may arise, where it is worth a man's while, in the fear and love of God, to give his life, if so be with God's blessing he shall thereby contribute to what he considers the right settlement of some inevitable issue. The question is simply this: shall that issue be settled by war, or shall it be amicably settled? But that is a question to which the answer comes of necessity from the controlling opinion upon one side or on both. In 1861 my friend and I could have settled amicably the question, on the one hand, of the continuance of human slavery, and on the other hand, the question of the invasion of what he regarded as his country. But the controlling opinion on both sides was that it must be settled by war. When the controlling opinion had decided that, it was for him and for me no longer a question whether it was right that it should be settled by war. That was a question beyond our province, and the question which remained for us was, as it is to be settled by war, shall I offer my life, or shall I turn tail upon my country?

I sat in my library and thought. There was no passion in my thoughts. My father and mother had been Southerners and slaveholders, and had set their slaves free when they were married. My relatives and friends were in the South, and my sympathies were largely with the South. I thought of the little pickaninnies I had played with as a child, and of the difference between their situation in manhood and my own. They had had no inducement to be honest, for they could own nothing; no inducement to intelligence, for they could not learn to read; no inducement to be decent, for their marriage was not legal. The difference between them and me was the direct outcome of free institutions; the measure of that difference was the measure of my debt to the institutions which had made me what I was. The question was a simple one: The issue is now to be settled whether there shall be more free institutions or less. It is to be settled by war. Will you therefore go to war?

It admitted of but one answer. My pastor said to me: "If you go into this war, you lose all your Christian character." But I thought to myself: "That argument proves too much. It means, as nearly as I can see, that God calls me to a place where I shall be forsaken of Him, and His grace not be sufficient for me." I turned my back upon my pastor, and I went to the war. There men like General Howard taught me, year after year, that in a righteous war

a righteous man may do a righteous work, and the answer to his weakness will prove true : " My grace shall be sufficient for thee."

The question of a man's duty to go to war may be a question of solemn duty as to what in the long run makes for peace. The point, as it seems to me, towards which the endeavors of a Conference such as this are most properly addressed is the development of the mind and heart of man in favor of settling those disputes which may involve war by some more peaceful method. If there were always in existence a respected international tribunal, whose business was the prevention of war by arbitration, its mere existence would come like a tocsin call in times of threatened war upon the heart of every man whose voice might aid in determining how that question is to be settled. It would come like a tocsin call to every righteous heart, suggestive of a peaceful method of disposing of the difficulty, and calling for that sober second thought which is the still small voice that succeeds the storm.

THE PEACE CROSS.

BY MISS SARAH SMILEY.

I am glad to be here to-night as a representative from that little district in our great country in which women have no right to vote, — and neither have men. But one privilege is left them ; they can do all the more thinking, and as much talking as they please, — and so can women.

About a year ago we did a great deal of thinking, and not much talking. All hearts were stirred, and the whole question of war and arbitration and peace was deeply studied. Then in the autumn, when it was all over, we had a great object lesson which I would like in a few words to describe, because it taught us more than all our thinking had done.

It was in the last days of the beautiful October, on a Sunday afternoon, that the whole city seemed with one accord to turn its steps towards St. Albans Mount, in the northwestern part of the city. Here there had been erected a monument ; but no one could see it just then, for it was veiled in a vast flag. As we waited for the arrival of the dignitaries who were to take part in the ceremonies we had a magnificent view. We could see the whole city : there was that beautiful white monument which represents the nobility of Washington's character and life, towering in the clear air ; there was the Capitol ; there was that magnificent Library, unsurpassed in the whole world ; there was the Potomac rolling below us, bringing back to our thoughts those other days of war when we heard " All quiet along the Potomac." Everything we saw was suggestive of our past history and of the future hopes of our country. At last the procession came in, — bishops of the Church from north and south and east and west, and between two chief dignitaries the President of our country. The seats had been so arranged that

they turned their backs to this magnificent scenery and were facing the veiled monument. And then, after various exercises, the flag was dropped, and there before the eyes of this vast gathering was — the Cross; a beautiful Iona cross, and on it engraved the words: "That it may please Thee to give to all nations, unity, peace and concord; we beseech Thee to hear us, Good Lord."

We had come there to dedicate that monument to Peace, as our grateful offering to God for the blessing that He had given us, and in setting it up to pour forth our prayers that peace might be given among all nations as it had been given to ours. And I have thought to-day, when so much had been said about the power of commerce to effect union between nations, and of various other agencies tending in the providence of God to the same end,—I have thought that after all it is only the Cross of Christ that can bring them together. It is only as they turn their backs upon all else, forgetting for a moment even the glory of our land and the greatness it has pleased God to give it, letting even the flag of our country pass out of our sight, that we see in the Cross the one power which will bring about this longed-for peace. That is the bond which will unite all nations.

There is one practical difficulty in the working out of this grand scheme of arbitration, which has not been alluded to here. Among the civilized nations, the great powers of the world, it may be comparatively an easy thing. But how is it going to work among the savage peoples with whom we have just now so much to do? How will it work in China, in Africa, where that vast region has so lately been given to Christian nations? How in those distant islands which have not yet fully come into our hands? Shall we not have to yield a little to some other view than the view of arbitration? But then I have remembered a great lesson which we had in Africa. Many years ago when Livingstone made one of his visits to England, he went to the universities and put before them a plan of sending out missionaries to Central Africa. The universities took it up at his strong persuasion, and that was the beginning of what has ever since been known as the "Universities Missions to Central Africa." It was arranged that the bishop who went to plant the first mission should go in the ship with Livingstone and that for a time they should keep together. Up to that time Livingstone had carefully maintained peace among the natives, and had opposed bloodshed. But one day they were marching along in their peaceful way when they met a band of slaves driven by men of a fierce tribe which overpowered them. Then Livingstone felt his blood grow hot within him, and he concluded that a little war was justifiable, and they liberated those slaves, giving them in charge to the missionaries, who afterwards defended them in a second fight.

But the evil consequences of that bloodshed did not pass away for many years. The savage people no longer saw the Cross before them, but only the sword. They thought that the missionaries who had come among them were of the same nature with themselves;

and the distrust of them spread even among distant tribes. It was only as the mission came at last to adopt altogether the policy of persuasion, trying to do all in their power to bring about friendly relations between these many hostile tribes, that they began to make headway. In fact, they carried out, under those most difficult circumstances, the principle of arbitration. Thus they won the confidence of the tribes, so that at last they were glad to come and submit themselves to the advice of these men who fed them in time of famine, who cared for them as no one had ever cared for them, and who held out to them the hope of rising to a different life. And when that policy was thoroughly established, a blessing fell upon that mission such as has never fallen upon any other. The results seem like the days of the apostles, as one reads the story. From this wonderful success of these earnest, devoted missionaries I think one may gather the greatest encouragement that, if we only have faith in God's providence in the midst of the difficulties that confront us, the Cross of Christ will ever point the open way to peace.

Judge Stiness presented the following resolution :

It is a noteworthy coincidence that at this time two conferences on International Arbitration have met, each in a "House in the Woods": one in the Lowlands at The Hague; this on the mountain top at Lake Mohonk: one in a regal palace; this in a house palatial in extent and princely in hospitality.

For the privilege of thus meeting, the Conference expresses its thanks to the Honorable Albert K. Smiley, and records its high appreciation of his wise foresight and generous public spirit in planning such a method for bringing important subjects to public attention.

The Conference has regretted the absence of Mrs. Smiley, who has heretofore given such gracious welcome to its members, and expresses an earnest wish for her health and happiness.

The Conference also returns its thanks to Mr. and Mrs. Daniel Smiley for their many expressions of kindness and their constant care for the pleasure and comfort of the members gathered here.

The acceptance of the resolution was moved by Rev. Theodore L. Cuyler of Brooklyn, who spoke as follows :

DR. CUYLER: It is with the utmost delight that I accept the pleasant duty of supporting this resolution. But allow me for a few moments to speak somewhat of my own convictions, and thus offer a humble contribution to the discussion of this Conference. During all these discussions the sealed ears of my head have not heard a syllable of your eloquence; but the open ears of my heart have heard the angel voices filling this room, chanting, "Peace on earth, goodwill to men."

I have often come here with great delight, but never with profounder satisfaction than now. These silver chimes of peace have for some time past been somewhat drowned out by the roar of cannon and the blare of trumpets. I shall not be foolish enough to discuss here any such question as whether the conflict waged by our country be wise or unwise. But, as a fervid lover of peace, as one who abhors with an intense abomination everything like wanton

war, as one who is fully persuaded that the righteous cause of arbitration never will make permanent headway as long as people regard war as in any sense desirable, I here and now utter my profound regret that the spirit of war, war *per se*, should during the last year or two have gained such influence over our beloved country.

Mark my words — war *per se*. War *per se* has found its bold and unblushing advocates, who have said that it was desirable in order to develop the vigor of a Christian nation; who have held that war was not to be dreaded, but sometimes to be sought. In fact, war *per se* has been so gilded and garlanded, on the platform, in the press, and sometimes in the pulpit, that many of our young men have come to think that the most direct road to fame and political success must be hewn out by the sword, and that a man who shoots an enemy is more to be honored than a man who saves an immortal soul. I say this from the deepest conviction of my heart and from the inspiration, I think, of the truest patriotism for the dear old land that holds the ashes of my fathers and the hopes of my children. I am not a pessimist. I am an inveterate hoper. And I believe that our beloved land and the people whom I love will get clear of this entangling excitement; and when a certain delirium is over they will come back fully to believe that terse, terrible utterance of our heroic Sherman, "War is hell."

I have uttered these honest words for two reasons. First, because this room, whose walls have listened to the eloquence of more patriots, preachers and philanthropists than any room in the land, is consecrated to the gospel of peace, and I have been permitted here a hundred times to open my lips for my Master and for humanity; and rather than stifle my honest convictions in reference to war, I would rather lie dead upon that floor! And another reason I have. We are all cheered by the glorious tidings from across the ocean. We are delighted to receive the news that the peace conference at The Hague is turning towards a wise and feasible system of arbitration. It stirs our national pride to think that our American representatives are leading in this great enterprise of human advancement, that Britain yields to her American friends, and accepts our proposals. Brethren, that fills my old heart with joy. I remember that this very proposal came from a Bar Association some of whose members got in this very room their first inspiration toward the plan now suggested to the civilized world. I congratulate you, beloved Brother Smiley, that already you are beginning to see some of the fruitage of the seeds sown under this roof in prayer and devotion to the welfare of humanity.

Let us rejoice at the good tidings, but bear this in mind, — that the conference at The Hague was called as a peace conference. It is one of the wonders of the time that the great powers of Europe, coöperative with our own government, should call together these able men to devise means for ridding over-burdened, suffering, bleeding humanity from the awful curse and havoc of war. Let us not be behind them. Let us plant ourselves on the great principle

of the desirableness of peace and the wisdom of settling all difficulties by arbitration, for I fully believe that never, till we have reached the understandings and the consciences of the people of our land and of other lands, and made them comprehend the mischiefs and miseries, demoralizations and destructions of war, will they regard arbitration as much else than a sort of pious fanaticism, a mere dream of philanthropy.

Having uttered the testimony of my heart in reference to war, and having voiced the convictions of profound gratitude which I feel at the action of the Conference, and at being permitted to be with you when the good tidings swept across the Atlantic that America is leading in the van of the grandest moral movement of the age, I can move the resolution which has been presented with the utmost gratification and delight. We have had a royal time here! If you came as often as I do, you would wish that the road ran only one way! Once you are here, you are quite willing everything else should be shut out of memory, and that you should be able to abide here continually. We have had a royal conference, with no lack of brave men and beautiful women; and, like the apostle Paul, we have been "exceedingly filled with each other's company." And we owe it, under God, to the large heart of our beloved host, who has learned the secret of making philanthropy popular. In former years reformers were treated to scoffs and sneers, gibes and gibbets: Albert Smiley has learned how to feed reformers with strawberries and cream, and to drive them in carriages through this magnificent scenery! I think that is one of the best inventions of our time.

There are not many days more in which we can meet in this room, that has been rendered so sacred. Yet I could summon before me a great procession: the friends of the Indian, headed by the noble Dawes and the other advocates of the rights of the red man; President Hayes and a long line of eminent civilians; many men whose voice has been the charm of many a pulpit and the power under God to man's salvation. The changes in this structure may make this one of the last assemblages gathered here. My lingering footsteps are loath to leave the room that for twenty years has been to some of us almost as the vestibule of the Father's house. Let us lay our thanks at the feet of this beloved friend, who has added sunshine to our lives and a new power to our best endeavors. Our only regret is that we miss that sweet face on which the dove of peace was always visibly brooding. We ask our friend to send to the absent part of his own heart our most cordial salutations and the expression of our wish that very soon "Christian" and "Christiana" may be dwelling together in this "House Beautiful," — entertaining the children of the King on their way to the Celestial City.

The adoption of the resolution read by Judge Stiness was seconded by Gen. James Grant Wilson of New York City, in a brief address full of anecdote and wit, at the conclusion of which he recited Kipling's "Recessional" hymn.

The resolution was then unanimously adopted.

MR. SMILEY: These kind resolutions and remarks fill me with feelings which I cannot utter. But I thank you heartily: I thank you most of all for coming here and participating in this Conference. To me it has seemed a remarkable gathering, and must prove of great benefit.

From my boyhood I have been intensely interested in methods for preventing war; but I have never felt so hopeful as to-night. I believe that the weeks to come, as we watch that conference at The Hague, will give us additional reason to hope. And when we come here next year, as I hope we shall, I trust some substantial method will have been adopted by which disputes between nations can be settled without resort to arms.

I thoroughly believe that the Czar is sincere. The cynical remarks which have been in the papers—that the Rescript was a ruse to gain time, and the rest—are uttered by men who have not been acquainted with the facts. The family of the Emperor, for three or four generations, has been a remarkable one. I know from those who have been personally acquainted with the Czar that he is a most sincere man, and dreads war. He is compelled by circumstances to be at the head of the largest army in the world, but is as much opposed to war as any of us. He should have our sympathy.

We are living in a great age. Last year I said I did not expect to live to see the accomplishment of our purpose; but now I hope I may. We propose to hold these Conferences from year to year, and next year we want to have some representatives from England and France and Russia and Germany, to speak to us of the sentiment in their countries. Such friendly exchanges of opinion would do great good. I hope to see you all next year; but meanwhile let each of us exert what influence we can to enlighten the American people, so that when the conclusions of the conference at The Hague shall be promulgated and the question of their adoption shall come before our Congress, there shall be no doubtful sound, but an unreserved approval by the Senate of any wise conclusions which this conference at The Hague may reach. We represent a large clientage, and our united influence can do a great deal toward this result.

Judge Stiness presented the following resolution:

This Conference, highly appreciating the kindness of the distinguished statesman who has aided its work and influence by accepting the call to preside at this session, expresses its thanks to the Honorable George F. Edmunds for his most acceptable service in the chair. His wise counsel, prudent guidance, and genial courtesy have added interest and help to the meetings and weight and dignity to the deliberations of the Conference.

The resolution was seconded by Mr. Smiley, who expressed his great gratification that Judge Edmunds had been willing to serve as President of the Conference.

On motion, a vote of thanks was extended to the Secretaries of the Conference, to the Press Committee and the Treasurer.

The following resolution was presented by the Business Committee and unanimously adopted :

This Conference expresses its sense of the great loss that the people of the United States have sustained in the death of Colonel George E. Waring. He gave his life for the cause of humanity. His memory is fragrant in the hearts of every lover of good men and good deeds. He rests from his labors and his works do follow him.

Upon motion, it was voted that a copy of this resolution should be transmitted by the Secretary to the widow of Colonel Waring.

MR. EDMUNDS: It is now the pleasure of the Chair to bring again to the front our captain and leader, Rev. Dr. Hale, who will make the closing address.

CLOSING ADDRESS.

BY REV. EDWARD EVERETT HALE, D. D.

It is a very great pleasure, as it is a privilege, to be permitted to say the last word. I was very much gratified that I was permitted to say the first; and while we have had a charming time and the hours have gone by on winged feet, yet think how long we have lived since I uttered those words! How many of my prophecies have been already accomplished! The three days have done the work of a century, indeed, they have done the work that nineteen centuries had not done. We have had, morning and evening, these despatches from The Hague, and we have wondered as we read whether we were dreaming them.

“Blessed are the peacemakers.” And since the Lord Christ spoke those words, in nineteen centuries until these gentlemen came together in the “House in the Woods,” there has been no opportunity for the peacemakers to look each other in the face. If what the cynics call “nothing” was to come to pass, yet everything has come to pass in the fact that we have been led, century by century, to such a triumph as that.

As has been said here very wisely and wittily, we have had to go at a double-quick step, if we meant to keep up with the gentlemen in the “House in the Woods.” Yet there are words in their statement which was read this morning which might have been read from your own reports of the year 1897,—words which our friend Mr. Logan, our friend Mr. Jones, the judges of the courts here, have spoken standing in this hall, and we are permitted to live to see the light “which kings and prophets waited for.”

I want, before I say a word more, to thank the executive committee for the admirable platform which they permit us to send out to the world. I want to thank somebody for the admirably classic

English in which it is spoken. I had the honor to criticize Count Muravieff's words the other day; but the poor Count wrote in a language which was not his own. Somebody has written this in our English tongue, which is to be the language of the reorganized world,—somebody who is a master of it. In a very few words are expressed the wishes, the hopes, and let me say the belief, of this body of men who are before me. Some things which I asked to have put in are not put in; but I like to say to the gentlemen of the committee that I am satisfied that they are right and that I was wrong. I am glad that the report takes the form that it does. It is to be said of almost every word which has been said in this hall, that we have come squarely up to Baron de Staal's admonition, that nothing shall be discussed which is not practicable. That is what "my august Master, the Emperor of all the Russias," as Count Muravieff calls him, wants. He wants "the maintenance of general peace": that is the ideal to which the efforts of all nations are tending. And when he comes to the close of this magnificent Rescript, he says that he hopes that the beginning of the twentieth century may show that the conference which has thus assembled has put in order the method by which a formal statement may be made of "the principles on which rest the security of states and the welfare of peoples." Men would have said six months ago that was impossible; but here is a body which has already initiated the international court to which every dispute shall be submitted first, whether fighting come afterward or not. I am not sure but a gift even greater to civilization and mankind is in the certainty that a body authorized by all Christendom shall formulate the "principles on which rest the security of states and the welfare of peoples." I think we shall not be quite so severe in criticizing people who do not do things exactly as we do, when we find that it is the sovereign of all the Russias who is caring for "the security of states and the welfare of peoples." It is worth waiting nineteen centuries to have that said at the end.

I am disposed to think that we shall all have opportunities to press, in a hundred ways, the all-important suggestions which the history of nineteen centuries has made to us, without putting them in formal resolutions or in protocols or in diplomatic papers which belong to the worn-out systems of past diplomacy. I am one of the people who think that old-fashioned diplomacy is about as useful as old-fashioned plate-armor. I do not dislike to have some of it a-going; when I see an opera I like to see a good piece of armor in it. And so I am glad that there are some of these gentlemen who are received at court, and present credentials, and write despatches. At the same time I observe that my practical friends either go to this merchants' tribunal which we were told about by Mr. Brown, or go to a lawyer and get their business brought into court. I am disposed to think that plate-armor diplomacy has about done its work. Commerce has discovered methods of its own, wholly unknown to the old diplomacy, and uses them with more skill than the diplomats themselves. I am sure nobody who has heard the great utterances which we have heard

here, on what commerce is and has done, would say lightly that commerce is not the most Christian of all our institutions, and that the merchants are not among the first of our civilizers. I have that confidence in the instinct of the commercial missionaries of the country, in the missionary work which is being done by the Rothschilds, and the Belmonts, and Dodges, and Atkinsons, and Coombses, and Capens, that I believe that the object of which I spoke in a few words on Wednesday morning will be accomplished by this very conference.

We shall no longer maintain piracy on the sea when we compel our armies to live as gentlemen live on the land. We shall no longer consider it noble to steal that which happens to be afloat when we consider it dishonorable to steal that which we take in time of war on land. I believe that this conference at The Hague will confirm what has been the growing habit of nations more and more, and will declare that neutral ships make neutral goods. That declaration is the declaration of our earliest diplomacy; and America, which is always proud of her diplomacy, may yet see that triumph.

Many other nice details which gentlemen who are engaged in the trade of the world know to be important will be wrought out by this conference at The Hague, in some of these sub-committees which are pushed on one side or the other by the newspapers; so that our letters will come to us more easily, so that we shall travel with less fuss about passports, so that cholera and the plague may be more surely avoided, so that the nations may live as the state of Connecticut lives with the state of Rhode Island, and that with the state of Massachusetts, in absolute amity, each seeking the interest of the rest. It seems to me desirable that from time to time there shall be congresses which shall continue a work so beneficent. But all these, after all, are details which will be wrought out as the great central success of this great congress develops itself.

One is tempted, one is compelled almost, to run back to that history, which our fathers and our grandfathers knew in detail, of the excessive difficulty, the excessive distrust, with which the Constitution of this country came into being. It is very easy to say now, as Mr. Gladstone said, that it is the grandest work of the human intellect ever struck off in so few weeks' time; but nobody said that then. On the other hand, John Adams wrote to Dr. Price, in a letter which I have myself seen, "We have made a constitution which will keep us from cutting each other's throats for a few years longer." John Adams favored the constitution; yet that was the best impression that he could give of it in the year 1789. And then the timidity, the shyness, with which they approached every part of the new machine, the unreadiness to take office under it! There is something pathetic in reading George Washington's letters to his old friends, begging them to assume this collectorship or that postmastership or this place in the cabinet. When one reads such solicitation from Washington to Knox and Pickering and other men, and sees that they thought they made sacrifices in taking

places under the new government ; when one reads the reports of the early decisions of the Supreme Court of the United States, to see how tentative it all was in the beginning, — then one takes courage when he is told by some Philistine that this new court is “all nonsense, you know,” and that “nobody means to have anything to do with it, you know,” because “it’s only the dream, you know, of an idiot, you know.” It takes only a little reading of our own history to see that some very large results have sprung from some causes which were thought to be as insignificant as a mustard seed.

What have we ourselves, then, to do in this business? I have listened with the greatest interest to the words of gentlemen who have cautioned us that we are living in our own atmosphere. Here we are like the diver at the bottom of the sea. Somebody is pumping his oxygen down to him, and he forgets that to people who have no oxygen supplied to them the bottom of the sea is a very uncomfortable place. Here on the hills of Lake Mohonk, with everybody singing peace and rejoicing over the dispatches from The Hague, — with letters in our pockets from Mr. Low and Mr. White and the other peacemakers of the world, on whom the blessing of the Saviour is already resting, — we feel as if all the world were aflame. When we get home we shall find that our friends have not so much as missed us ; and when we tell them we have been at the Arbitration Conference they will think we have been to the “House in the Woods.” We have before us the duty of shaking people by the shoulders to wake them up, of asking them if there is not something in the future that it is worth their while to attend to, and if they mean to be forever forgetting the things that are before and reaching back to the things that are behind. If the men of the press can get their chiefs to “look forward and not back,” they will do something to make the press the agency it might be and is not in the cause of Christianity and civilization. We must say those “little words” of which General Howard reminded us, which will show from hour to hour and from day to day that we believe that the peace of the world is a possibility.

“The maintenance of general peace” is the ideal to which every Christian man and every Christian woman and every Christian child is to look forward. We are to say this in conversation. Those who have the privilege that I have are to say it from the pulpit. You who have the greater privilege of talking hand to hand with the practical men of the world are to say this. In whatever position we are placed, we are to remember that this world cannot come to its bearings, does not understand the use of the science it has been creating in the last century, unless it finds out that the human race is but one individual, and that we are so many separate leaves and twigs on the bough of the tree, each of us having a contribution which he is to render for the good of all. Each for all, all for each. That God’s will may be done on earth as it is done in the planets and stars of God’s sky, as it is done among angels and archangels, as it

does itself where law and order reign, we must live so, we must harmonize our differences thus, we must live in the reign of love. The kingdom of Peace must come.

MR. EDMUNDS: Before putting the motion to adjourn, the chair begs to express his grateful acknowledgment of the vote of confidence which the Conference has been pleased to pass in respect of his conduct of the business of the sessions. The chair begs to say that he does not deserve, in his own opinion, any special commendation; for the duties of the chair, in such a Conference as this, are the least of all the duties of its members. Those of you who are on committees, those of you who come for the purpose of attending the sessions and helping on the business in the debates and private discussions, have all the work; the chair has only the pleasant duty of seeing all your faces at the same time and listening to your discussions.

If the chair may be permitted to say a single word, it is that while he is not so hopeful as Dr. Hale in respect of what will happen as the immediate result of the consultations at The Hague, — where the chances are now more than even that important and fundamental principles will not be agreed upon at this time, — yet the certainty is established that the great nations of the globe have consented to meet each other and to discuss the subjects of disarmament and peace.

We have meant to discuss the means of international arbitration. And what for? Arbitration is only a method, it is only a means to an end. Disarmament is more than that; for while it is a means tending to the end of peace, so far as it goes it relieves the burdens and miseries imposed upon the poor, and the burdens and miseries and inducements to vice that always follow the organization and the continued presence of an army anywhere. So, then, the question is fundamental: are we for peace, to be attained by peaceful methods, or are we for another glory? Glory is what we all wish for and pray for, as the Scripture tells us we must do: which is the glory which is to be our guerdon and our inspiration? Is it the glory of the greed that comes from selfish commerce? Is it the glory of the greed of universal dominion? Is it the glory of that hypocritical religion that forces upon another, at the point of the sword, a belief which we possess? Or is it that other glory of the man and woman who, like those assembled here, desire the progress of mankind and to help their fellow-men? That is the question; and the honor and the glory that is to come, and that will crown the future either with infinite destruction or with infinite advance, will be decided by the path which we and our fellow-men choose to take. Let us pray that we take the right path, and not the wrong!

The Conference then adjourned *sine die*.

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APPENDIX A.

THE UNITED STATES ARBITRATION PROPOSALS AT THE HAGUE CONFERENCE.

Resolved, That in order to aid in the prevention of armed conflicts by pacific means, the representatives of the sovereign powers assembled together in this Conference be and they hereby are requested to propose to their respective governments a series of negotiations for the adoption of a general treaty, having for its object the following plan, with such modifications as may be essential to secure the adherence of at least nine sovereign powers, four of whom at least shall have been signatories of the declaration of Paris, the German empire being, for this purpose, the successor of Prussia, and the kingdom of Italy the successor of Sardinia.

ARTICLE 1. The tribunal shall be composed of persons nominated on account of their personal integrity and learning in international law by a majority of the members of the highest court at the time existing in each of the adhering states, one from each sovereign state participating in the treaty, and shall hold office until their successors are nominated by the same body and duly appointed.

ARTICLE 2. The tribunal shall meet for organization at a time and place to be agreed upon by the several governments, but not later than six months after the general treaty shall be ratified by the nine powers, as hereinbefore proposed, and shall organize itself by the appointment of a permanent clerk and such other officers as may be found necessary, but without conferring any distinction upon its own members. The tribunal shall be empowered to fix its place of sessions and to change the same from time to time, as the interests of justice or the convenience of litigants may seem to require, and to fix its own rules of procedure.

ARTICLE 3. The tribunal shall be of permanent character and shall be always open for the filing of new cases, subject to its own rules of procedure, either by the contracting nation or by others that may choose to submit them, and all cases and counter cases, with the testimony and arguments by which they are to be supported or answered, are to be in writing or print. All cases, counter-cases, evidence, arguments or opinions in expressing judgment, are to be accessible after decision is rendered to all who desire them and who pay the necessary charges of transcription.

ARTICLE 4. Any and all questions of disagreement may, by mutual consent, be submitted by the nations concerned to this international tribunal for decision; but every such submission shall be accompanied by an undertaking to accomplish the award.

ARTICLE 5. The bench of judges for each particular case shall consist of as many as may be agreed upon by the litigating nations — either of the entire bench or of any smaller number not less than three, to be chosen from the whole court. In the event of a bench of three judges only, no one of those shall be either a native subject or citizen of a state whose interests are in litigation in the case.

ARTICLE 6. The general expenses of the tribunal are to be equally divided or upon some equitable basis between the adherent powers; but those arising from each particular case shall be provided for as may be directed by the tribunal.

The presentation of a case wherein one or both of the parties may be a non-adherent state shall be admitted only upon condition of a mutual agreement that the states so litigating shall pay respectively a sum to be fixed by the tribunal for the expenses of adjudication. The salaries of the judges may be so adjusted as to be paid only when they are actually engaged in the duties of the court.

ARTICLE 7. Every litigant before the international tribunal shall have the right to a re-hearing of the case before the same judges within three months of the notification of the decision, on alleging newly discovered evidence or submitting questions of law not heard and decided at the former hearing.

ARTICLE 8. This treaty shall become operative when nine sovereign states, such as are indicated in the resolution, shall have ratified its provisions.

MEMORANDUM FROM THE COMMISSIONERS OF THE UNITED STATES SUBMITTED WITH THEIR PROJECT FOR A PERMANENT INTERNATIONAL TRIBUNAL.

The proposal herewith submitted takes its form as a resolution looking to action outside of the Conference from our instructions. The proposal shows the earnest desire of the President of the United States for a permanent international tribunal for the conduct of arbitration between nations and the willingness of the President to assist in the establishment of such a tribunal upon the general lines indicated.

The commissioners from the United States are ready, without insisting upon the form of their own resolutions, to try to develop the proposals heretofore submitted to the Conference, so that they shall embody what is essential in this plan.

It seems to the United States commissioners that it ought not to be difficult to associate with the several proposals, as they may eventually be developed, for mediation in various forms of international inquiry and arbitration by special arrangement, a plan for a Permanent Tribunal of arbitration which will embody what is essential in the American resolution.

APPENDIX B.

THE BRITISH ARBITRATION PROPOSALS AT THE HAGUE CONFERENCE.

ARTICLE 1. With the view of facilitating an immediate recourse to arbitration on the part of those states who may not succeed in settling their differences by diplomatic means, the signatory powers have undertaken to organize in the following manner a Permanent Tribunal of arbitration, accessible at all times, and governed by the code of arbitration prescribed in this Convention, so far as it may be applicable, and in conformity with stipulations made in arrangements decided upon between the parties in litigation.

ARTICLE 2. To this effect a central office will be established permanently at X, where the archives of the tribunal will be preserved, and which will be entrusted with the conduct of its official business. A permanent secretary, an archivist, and sufficient staff will be appointed, who will reside on the spot. The office will be the intermediary for communications relative to the meeting of the tribunal at the instance of the parties in litigation.

ARTICLE 3. Each signatory power will transmit to the others the names of two persons of its nationality, recognized in their country as jurists or publicists of merit, enjoying the highest reputation for integrity, disposed to accept the functions of arbitrators, and possessing all the necessary qualities. Persons thus designated will be members of the tribunal, and will be inscribed as such in the central office. In case of the death or retirement of a member of the tribunal, provision will be made for his being replaced in the same manner as for his nomination.

ARTICLE 4. The signatory powers, desiring to apply to the tribunal for the pacific settlement of differences which may arise amongst them, will notify this desire to the secretary of the central office, which will then furnish them immediately with a list of the members of the tribunal. The powers in question will thereupon select from this list the number of arbitrators agreed upon in the arrangements. They will have, moreover, the power of adding arbitrators other than those whose names are inscribed in the list. The arbitrators thus chosen will form the tribunal for the arbitration, and will meet on the date fixed by the parties in litigation. The tribunal will sit generally at X, but will have the power of sitting elsewhere, and of changing its place from time to time, according to circumstances, as may suit its convenience, or that of the parties in litigation.

ARTICLE 5. Any state, although not a signatory power, will be able to have recourse to the tribunal under the conditions prescribed by the regulations.

ARTICLE 6. The Government X. . . . is directed to install at X. . . . in the name of the signatory powers, as soon as possible after the ratification of this Convention, a permanent council of administration, composed of five members and one secretary. It will be the duty of the council to establish and organize a central office, which will be under its direction and control. It will issue from time to time the necessary regulations for the proper working of the central office, and will also settle all questions which may arise concerning the working of the tribunal, or which may be submitted to it by the central bureau. The council will have absolute power as regards the nomination, the suspension, or the dismissal of all functionaries or employees. It will fix salaries and control general expenses. The council will elect its president, who will have a preponderating voice. The presence of three members will suffice to constitute a quorum, and decisions will be taken by a majority of votes. The fees of the members of the council will be fixed by agreement between the signatory powers.

ARTICLE 7. The signatory powers agree to contribute in equal shares the expenses of the administrative council and the central office. The expenses of each arbitration will be chargeable in equal parts to the states in litigation.

APPENDIX C.

THE RUSSIAN ARBITRATION PROPOSALS AT THE HAGUE CONFERENCE.

PART I. GOOD OFFICES AND MEDIATION.

ARTICLE 1. In order to prevent, as far as possible, recourse to force in international relations, the signatory powers are agreed to employ every effort to bring about by pacific means the solution of conflicts which may arise among them.

ARTICLE 2. In consequence the signatory powers are decided, in the event of serious disagreement or conflict, before appealing to arms to have recourse, so far as circumstances will permit, to the good offices or mediation of one or more friendly powers.

ARTICLE 3. In the event of mediation being spontaneously accepted by the states in conflict, the aim of the mediatory government consists in endeavoring to bring about a conciliation between the states.

ARTICLE 4. The role of the mediatory government ceases from the moment when the compromise proposed by it, or the basis of a friendly agreement which it may have suggested, shall not have been accepted by the states in conflict.

ARTICLE 5. Should the powers consider it advisable, in the event of a serious disagreement or conflict between civilized states regarding questions of political interest, the powers not implicated in the conflict shall offer, of their own initiative, so far as circumstances are favorable, their good offices or their mediation to the disputing states in order to remove the difference that has arisen by proposing an amicable solution which, without affecting the interests of other states, shall be of a conciliatory nature in the best interests of the parties in dispute.

ARTICLE 6. It remains well understood that mediation and the employment of good offices, either at the instance of the parties in dispute or of neutral powers, shall bear strictly the character of friendly counsel and in no way of compulsory force.

PART II. INTERNATIONAL ARBITRATION.

ARTICLE 7. In so far as regards a dispute relating to questions of right, and primarily to those affecting the interpretation or application of treaties in force, arbitration is recognized by the signatory powers as being the most efficacious and most equitable means of settling these disputes in a friendly manner.

ARTICLE 8. The contracting powers therefore undertake to have recourse to arbitration in cases relating to questions of the above-mentioned order, so far as these affect neither the vital interests nor the national honor of the parties in dispute.

ARTICLE 9. Each state remains the sole judge of the question whether this or that case shall be submitted to arbitration, excepting the cases enumerated in the following article, where the signatory powers consider arbitration as compulsory.

ARTICLE 10. After the ratification of the present act by all the signatory powers, arbitration is obligatory in the following cases, so far as it affects neither the vital interest nor the national honor of the contracting parties: in the event of differences or disputes relating to pecuniary damages sustained by a state; in the event of disagreements relating to the interpretation or application of treaties and conventions hereafter mentioned — postal, telegraph, and railway treaties and conventions, and those relating to the protection of submarine cables; agreements as to the means for preventing the collision of ships at sea; conventions relating to the navigation of international rivers and interoceanic canals; conventions regarding the protection of literary and artistic property, industrial property, patents and trade marks; monetary and metrical conventions; sanitary conventions, etc.

ARTICLE 11. The above list may be completed by subsequent arrangements among the signatory powers. Moreover each power shall be able to enter into a special arrangement with another power for the purpose of rendering arbitration obligatory in the above-mentioned cases before the general ratification, and also to extend the scope of arbitration to all cases which it is considered possible to submit to it.

ARTICLE 12. In all other cases of international conflicts not mentioned in the above articles, arbitration, while certainly being very desirable and recommended by the present act, is nevertheless purely facultative,— that is to say, it can only be applied on the spontaneous initiative of one of the parties in dispute, and with the express consent of the other parties.

ARTICLE 13. With the view of facilitating recourse to arbitration and its application, the signatory powers are agreed to formulate a common arrangement for the employment of international arbitration, and for the fundamental principles to be observed in the drawing up of the rules of procedure to be followed pending the inquiry into the dispute, and the pronouncement of the decision of the arbitrators. The application of these fundamental principles, as also of the arbitration procedure indicated in the appendix to the present article, may be modified in virtue of a special arrangement between states which may have recourse to arbitration.

PART III. INTERNATIONAL COMMISSIONS OF INQUIRY.

ARTICLE 14. In cases in which divergencies of views occur between the signatory states, in connection with local circumstances giving rise to litigation of an international character, which cannot be settled by the ordinary diplomatic means, but in which neither the honor nor the vital interests of these states are engaged, the governments interested agree to institute an international commission of inquiry in order to arrive at the causes of the disagreement, and to clear up on the spot, by an impartial and conscientious examination, all questions of fact.

ARTICLE 15. These international commissions shall be constituted as follows: Each government interested shall appoint two members, and the four members united shall choose a fifth member, who shall at the same time be president of the commission. If the votes shall be divided for the choice of a president, the two governments interested shall appeal either to another government or to a third party, who shall appoint the president of the committee.

ARTICLE 16. Governments between which a grave disagreement or conflict shall arise in the circumstances indicated above shall engage to furnish the commission of inquiry with all means and facilities necessary for a thorough and conscientious study of the facts.

ARTICLE 17. The international commission of inquiry, after having acquainted itself with the circumstances in which the disagreement or conflict arose, shall submit to the governments interested a report signed by all the members of the commission.

ARTICLE 18. The report of the commission of inquiry shall in no wise have the character of an arbitration judgment. It leaves the governments in conflict at full liberty either to conclude a friendly arrangement on the basis of the said report, or to have recourse to arbitration by concluding an agreement *ad hoc*, or else by resorting to the active measures allowable in the mutual relations between nations.

The Russian proposal was followed by a draft code of arbitration

APPENDIX D.

CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

Adopted by the International Peace Conference held at The Hague from the 18th of May to the 29th of July, 1899.

The sovereigns or heads of state of the countries represented at the Conference,
(Here follow the names.)

Animated with a strong desire to come to an agreement for the maintenance of general peace;

Resolved to promote with all their ability the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of the civilized nations;

Wishing to extend the empire of law and to strengthen the sentiment of international justice;

Convinced that the institution of a permanent arbitral jurisdiction accessible to all, in the midst of the independent powers, will prove efficacious in bringing about this result;

Considering the advantages of a regularly organized general arbitral procedure;

Believing, with the august initiator of the International Peace Conference, that there ought to be a consecration, by international agreement, of the principles of equity and right on which rest the security of states and the well-being of peoples;

Desiring to conclude a convention to this effect, have named as their plenipotentiaries, to wit:

(Here follow the names.)

Who, after having communicated to one another their full powers, found to be in due and proper form, have agreed upon the following Convention:

I. THE MAINTENANCE OF GENERAL PEACE.

ARTICLE 1. With the object of preventing, as far as possible, recourse to force in the relations between states, the signatory powers agree to employ all their efforts to bring about by pacific means the solution of international differences.

II. GOOD OFFICES AND MEDIATION.

ARTICLE 2. The signatory powers agree that in case of grave difference of opinion or conflict they will, before appealing to arms, have recourse, as far as circumstances permit, to the good offices or to the mediation of one or more friendly powers.

ARTICLE 3. Independently of this recourse, the signatory powers deem it useful that one or more powers not interested in the dispute should offer of their own accord to the disputing states, as far as circumstances permit, their good offices or mediation. The powers not interested in the dispute shall have the right to offer good offices or mediation even during the course of hostilities. The exercise of this right shall never be regarded by either of the parties in dispute as an unfriendly act.

ARTICLE 4. The *rôle* of mediator shall consist in the conciliation of conflicting claims, and in the appeasing of resentments which may have arisen between the disputing states.

ARTICLE 5. The functions of the mediator shall cease the moment that it is stated, either by one of the disputing parties or by the mediator himself, that the basis of a friendly understanding proposed by him is not accepted.

ARTICLE 6. Good offices and mediation, either upon the application of the disputing parties, or upon the initiative of the powers not interested in the dispute, shall have exclusively an advisory character, and shall be of no obligatory force.

ARTICLE 7. The acceptance of mediation shall not have the effect, in the absence of any agreement to the contrary, of interrupting, retarding or hindering mobilization and other warlike preparations. If mediation should take place after the outbreak of hostilities, it shall not, in the absence of any agreement to the contrary, interrupt the course of military operations.

ARTICLE 8. The signatory powers agree to recommend the application, in circumstances which permit of it, of special mediation in the following form: In the case of grave disagreement endangering peace, the disputing states should each choose one power to which to entrust the mission of entering into direct communication with the power chosen by the other side, for the purpose of preventing the rupture of pacific relations. During the continuance of their mandate, which, unless the contrary is stipulated, shall not last more than thirty days, the contending states shall cease all direct relations in regard to the question in dispute, which shall be considered as referred exclusively to the mediating powers. These must apply all their efforts to arranging the difference. In case of the actual rupture of pacific relations, these powers remain charged with the common mission of taking advantage of every opportunity to reëstablish peace.

III. INTERNATIONAL COMMISSIONS OF INQUIRY.

ARTICLE 9. In international disputes, involving neither national honor nor essential interests, and arising from a divergence of opinion on matters of fact, the signatory powers judge it advisable that the parties who may not have been able to agree by diplomatic means should institute, as far as circumstances permit, an international commission of inquiry charged with the duty of facilitating the solution of these disputes by clearing up all questions of fact by an impartial and conscientious examination.

ARTICLE 10. The international commissions of inquiry shall be constituted by a special convention between the parties in litigation. This convention shall specify the facts to be examined, and the scope of the powers of the commissioners. It shall also regulate their procedure. The inquiry shall be made upon a hearing of the adverse parties. The procedure and the time allowed for the investigation, so far as they are not fixed by the convention providing for the inquiry, shall be determined by the commission itself.

ARTICLE 11. The international commissions of inquiry shall be formed, in the absence of an agreement to the contrary, in the manner pointed out in Article 32 of the present Convention.

ARTICLE 12. The powers in controversy agree to furnish to the commission, to the largest extent which they deem possible, all the means and all the necessary facilities for completely ascertaining and accurately determining the facts in question.

ARTICLE 13. The international commission of inquiry shall present to the powers in controversy its report, signed by all the members of the commission.

ARTICLE 14. The report of the international commission of inquiry, being limited to the determination of the facts, shall have nothing of the character of an arbitral sentence; it leaves the powers in controversy entire freedom as to what effect should be given to its determination.

IV. INTERNATIONAL ARBITRATION.

Chapter I. Arbitral Justice.

ARTICLE 15. International arbitration has for its object the settlement of disputes between nations by judges of their own choice, and on the basis of respect for right.

ARTICLE 16. In questions of judicial character, and especially in questions of the interpretation or application of international treaties, arbitration is recognized by the signatory powers as the most efficacious, and, at the same time, the most equitable means of deciding controversies which have not been settled by diplomatic methods.

ARTICLE 17. The agreement to arbitrate may be made either for disputes already in existence or for disputes which may subsequently arise. It may deal with every sort of dispute, or be limited solely to disputes of a specified category.

ARTICLE 18. The agreement to arbitrate involves an engagement to submit in good faith to the arbitral sentence.

ARTICLE 19. Independently of general or particular treaties which bind the signatory powers to have recourse to arbitration, these powers reserve the right to conclude, either before the ratification of the present Act or afterwards, new agreements, general or particular, with a view to extending obligatory arbitration to all the cases to which they shall deem it applicable.

Chapter II. The Permanent Court of Arbitration.

ARTICLE 20. With the object of facilitating immediate recourse to arbitration for international differences which have not been settled by diplomacy, the signatory powers agree to organize a permanent court of arbitration accessible at all times, and exercising its functions, in the absence of an agreement to the contrary by the parties, in conformity with the rules of procedure laid down in the present Convention.

ARTICLE 21. The permanent court shall be competent to deal with all cases of arbitration unless the parties agree to institute a special arbitration.

ARTICLE 22. An international bureau shall be established at The Hague, and shall serve as the clerk's office for the court. It shall be the intermediary of all communications relating to the sittings of the court. It shall have charge of the archives and manage all administrative business. The signatory powers agree to communicate to the international bureau at The Hague a certified copy of every agreement to arbitrate made between them, and of every arbitral judgment concerning them, rendered by special tribunals. They also agree to communicate to the bureau the laws, rules and documents declaring the execution of the judgments rendered by the court.

ARTICLE 23. Each signatory power shall designate, in the three months following the ratification of the present act, not more than four persons recognized as competent in dealing with questions of international law, and as of the highest moral reputation, and who are ready to accept the office of arbitrators. The persons thus nominated shall be entitled members of the court, and their names entered upon a list which it shall be the duty of the bureau to communicate to all the signatory powers. The bureau shall also report to the signatory powers every modification in the list of arbitrators. Two or more powers may agree to designate in common one or more members. The same person may be nominated by different powers. Members of the court shall be appointed for a term of six years, and they shall be eligible for reappointment. In case of the death or retirement of a member of the court, the vacancy shall be filled in the same way that the original appointment was made.

ARTICLE 24. When the signatory powers shall desire to appeal to the court for the settlement of a difference arising between them, the choice of arbitrators selected to form the tribunal which shall deal with the dispute shall be made from the general list of members of the court. Unless the arbitral tribunal shall be constituted by special agreement of the parties, it shall be formed in the following way: Each party shall choose two arbitrators, and these shall choose an umpire. In case they disagree, the choice of the umpire shall be entrusted to a third power, designated by agreement of the parties. If they fail to agree, each party shall designate a different power, and the choice of the umpire shall be made by the united action of the powers thus designated. The tribunal being thus composed, the parties shall notify the bureau of their decision to bring their case before the court and the names of the arbitrators. The arbitral tribunal shall meet at the time fixed by the parties. The members of the court, in the exercise of their functions and outside of their own country, shall enjoy diplomatic privileges and immunities.

ARTICLE 25. The tribunal shall usually sit at The Hague; except under urgent circumstances the place of meeting cannot be changed by the tribunal except with the consent of the disputing parties.

ARTICLE 26. The international bureau at The Hague is authorized to put its offices and its staff at the disposal of the signatory powers for the performance of the duties of every special arbitral tribunal. The jurisdiction of the permanent court may be extended, under the conditions prescribed by its rules, to the disputes existing between non-signatory powers, or between signatory and non-signatory powers, if the parties agree to have recourse to its jurisdiction.

ARTICLE 27. The signatory powers shall consider it their duty, in a case where an acute conflict threatens to break out between two or more of their number, to remind them that the permanent court is open to them. Consequently they declare that the fact of reminding the parties in dispute of the provisions of the present Convention, and the advice given, in the higher interests of peace, to bring their dispute before the permanent court, can only be considered as an act of good offices.

ARTICLE 28. A permanent administration council, composed of the diplomatic representatives of the signatory powers accredited to The Hague and of the Minister of Foreign Affairs of The Netherlands, acting as president, shall be constituted in this city as soon as possible after the ratification of the present Convention by at least nine powers. This council shall be charged with the establishment and organization of the international bureau, which shall remain under its direction and control. It shall notify the powers of the constitution of the court, and see to its being duly installed. It shall draw up its rules of order and all other necessary regulations. It shall decide all administrative questions which may arise relating to the working of the court. It shall have absolute power as to the nomination, suspension or dismissal of functionaries and employees of the bureau. It shall fix the emoluments and salaries, and shall control all the general expenditure. Five members present at a meeting regularly called shall constitute a quorum for the transaction of business. The decisions shall be made by majority vote. The council shall report without delay to the signatory powers the rules adopted by it. It shall report to them each year upon the work of the court, the way in which the administrative service has been performed, and the expenses.

ARTICLE 29. The cost of the bureau shall be borne by the signatory powers in the proportion established for the International Bureau of the Postal Union.

Chapter III. Arbitration Procedure.

ARTICLE 30. For the purpose of promoting the development of arbitration, the signatory powers have drawn up the following rules, which shall be applicable to the arbitral procedure, so far as the parties do not agree upon different rules.

ARTICLE 31. The powers which shall have recourse to arbitration shall sign a special act (*compromis*), in which is clearly set out the case to be decided, as well as the extent of the powers of the arbitrators. This act implies the engagement of the parties to submit in good faith to the judgment of the arbitral tribunal.

ARTICLE 32. The arbitral functions can be conferred upon a single arbitrator, or upon several arbitrators named by the parties, as they please, or chosen by them from among the members of the permanent court of arbitration established by the present Act. Unless the tribunal is constituted by direct agreement of the parties, the formation of it shall be effected in the following manner: Each party shall name two arbitrators, and these together shall choose an umpire. In case of disagreement, the choice of the umpire shall be confided to a third power, named by mutual agreement of the parties. If no agreement is arrived at on this subject, each party shall name a different power, and the choice of the umpire shall be made in concert by the powers thus named.

ARTICLE 33. When a sovereign or the head of a state is chosen arbitrator, the arbitral procedure shall be subject to his direction.

ARTICLE 34. The umpire shall be president *de jure* of the tribunal. When the tribunal does not include an umpire, it shall name its own president.

ARTICLE 35. In case of the death, resignation or absence from any cause of one of the arbitrators, the vacancy shall be filled in the same way that he was originally appointed.

ARTICLE 36. The seat of the tribunal shall be designated by the parties. In the absence of any designation on their part, the tribunal shall sit at the The Hague. The place selected can be changed by the tribunal only with the consent of the parties, except in case of urgent necessity.

ARTICLE 37. The parties have the right to appoint delegates or special agents who shall represent them before the tribunal, and act as intermediaries between the tribunal and the litigants. They may besides entrust the defence of their rights and interests before the tribunal to counsel or advocates named by them for this purpose.

ARTICLE 38. The tribunal shall decide what languages shall be used by it in its proceedings or employed before it.

ARTICLE 39. The arbitral procedure consists, as a general rule, of two phases: first, the examination of evidence, and second, the hearing. The first consists of the communication made by the respective agents to the members of the tribunal and to the opposing party, of all papers, printed or written, and of all documents containing the matters pleaded in the case. This communication shall take place according to the form and at the time fixed by the tribunal by virtue of Article 49. The second consists of the oral discussion of the matters presented by the parties before the tribunal.

ARTICLE 40. Every document produced by one party must be communicated to the other.

ARTICLE 41. The pleadings shall be directed by the president. They shall be published only in accordance with a decision of the tribunal made with the consent of the parties. They shall be recorded in reports drawn up by secretaries named by the president. These reports shall constitute the only authentic record of the hearing.

ARTICLE 42. The taking of evidence being over, the tribunal shall have the right to exclude from the discussion any new papers or documents which one of the parties wishes to submit without consent of the other.

ARTICLE 43. The tribunal shall remain free to take into consideration new papers or documents to which the agents or counsel of the parties shall call their attention. In this case the tribunal shall have the right to require the production of these papers or documents, being obliged, however, to communicate them to the opposite side.

ARTICLE 44. The tribunal may, besides, require from the agents of the parties the production of all papers and demand all necessary explanations. In case of refusal, the tribunal shall make note of the fact.

ARTICLE 45. The agents and the counsel for the parties are authorized to present orally to the tribunal everything that they deem useful in support of their cause.

ARTICLE 46. They shall have a right to raise objections and take exceptions. The decisions of the tribunal upon these points shall be final, and shall not give rise to any further discussion.

ARTICLE 47. The members of the tribunal shall have the right to put questions to the agents and the counsel of the parties, and to demand from them explanations upon doubtful points. Neither the questions asked nor the observations made by members of the tribunal during the course of the hearing shall be regarded as expressions of the opinion either of the tribunal in general or of its members in particular.

ARTICLE 48. The tribunal is authorized to determine its jurisdiction by interpreting the convention or other treaties which may be quoted in point, and by the application of the principles of international law.

ARTICLE 49. The tribunal shall have the right to make rules of procedure for the direction of the trial, to determine the forms and the time within which each party shall submit its motions, and to determine all the formalities regulating the admission of evidence.

ARTICLE 50. The agents and the counsel of the parties having presented all the information and briefs in support of their case, the president shall declare the hearing closed.

ARTICLE 51. The deliberations of the tribunal shall take place with closed doors. Every decision shall be made by a majority of the members of the tribunal. The refusal of any member to vote shall be stated in the official reports.

ARTICLE 52. The arbitral judgment made by a majority of votes shall be accompanied by a statement of the reasons upon which it is based. It must be drawn up in writing and signed by each of the members of the tribunal. Those members who are in the minority can, in signing, state their dissent.

ARTICLE 53. The arbitral judgment shall be read in a public sitting of the tribunal, the agents and counsel of the disputing parties being present or duly summoned.

ARTICLE 54. The arbitral judgment, duly pronounced and notified to the agents of the litigating parties, shall decide the dispute finally and without appeal.

ARTICLE 55. The parties may reserve to themselves by their agreement the right to demand a revision of the arbitral judgment. In this case, and in the absence of any stipulation to the contrary, the demand shall be addressed to the tribunal which has pronounced the judgment; but it shall be based only on the discovery of a new fact of such a character as to exercise a decisive influence upon the judgment, and which at the moment of the judgment was unknown to the tribunal itself and to the party demanding the revision. The proceedings in

revision can only be begun by decision of the tribunal, stating expressly the existence of the new fact, and recognizing that it possesses the character defined in the preceding paragraph, and declaring that the demand is admissible on that ground. The arbitral convention shall determine the time within which the demand for revision shall be made.

ARTICLE 56. The arbitral judgment shall be obligatory only for the parties which have concluded the convention. When it is a question of the interpretation of a convention entered into by other powers besides the parties in litigation, the parties to the dispute shall notify the other powers which have signed the convention of the agreement which they have concluded. Each one of these powers shall have the right to take part in the proceedings. If one or more among them avail themselves of this permission, the interpretation embodied in the judgment becomes obligatory upon them also.

ARTICLE 57. Each party shall bear its own expense and an equal part of the expense of the tribunal.

ARTICLE 58. The present Convention shall be ratified with as little delay as possible. The ratifications shall be deposited at The Hague. An official report of each ratification shall be made, a certified copy of which shall be sent through diplomatic channels to all the powers represented in the Peace Conference at The Hague.

ARTICLE 59. The powers which were represented at the International Peace Conference, but which have not signed this Convention, may become parties to it. For this purpose, they shall make known to the contracting powers their adherence by means of a written notification addressed to the government of The Netherlands, and communicated by it to all the other contracting powers.

ARTICLE 60. The conditions under which the powers not represented in the International Peace Conference may become adherents to the present Convention shall be determined hereafter by agreement between the contracting powers.

ARTICLE 61. If one of the high contracting parties shall give notice of a determination to withdraw from the present Convention, this notification shall have its effect only after it has been made in writing to the government of The Netherlands, and communicated by it immediately to all the other contracting powers. This notification shall have no effect except for the power which has made it.

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